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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In Your mercy, Lord, look upon the House of Representatives and hear our prayer. As many Christians enter a spring penitential season of prayer and fasting, all are reminded that we seemingly come from nothingness and soon return to the dust of the Earth. Life is short. Each of us has limited time before You to prove oneself a contributor of goodness or a drain on society. By Your Spirit, move us to repentance for our sins and to learn from our mistakes of the past.

As people of faith, may we live what we believe and hold ourselves accountable to all those we love and serve by our deeds. May each day, all life long, deepen our conversion of heart; for in Your light we see light now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. NADLER) come forward and lead the House in the Pledge of Allegiance.

Mr. NADLER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 111. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

S. 117. An act to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes.

S. 144. An act to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

S. 210. An act to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes.

S. 214. An act to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

S. 233. An act to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

S. 254. An act to revise the boundary of the Kaloko-Honokōhau National Historical Park in the State of Hawaii, and for other purposes.

COMMEMORATING 1-YEAR ANNIVERSARY OF THE MASSACRES IN GUJARAT, INDIA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to commemorate the 1-year anniversary of the massacres in Gujarat, India, by Hindu extremists and extend my sympathies to those families who have suffered so terribly at the hands of the extremists.

Extremism is on the rise in a number of countries including India where leading figures and officials have directly or indirectly supported attacks against and massacres of moderate Muslims, Dalits, also called ''untouchables,'' Christians, and other minorities. The perpetrators of these crimes must be brought to justice.

I have a number of excellent reports here and in my office from human rights organizations like Human Rights Watch, ASSIST, Amnesty International, local Indian NGOs detailing the attacks in Gujarat; and I urge Members to read these reports, respond to the issues facing the people of India today. We must support those who would further democracy and the rule of law and freedom in India, not stifle and suppress it; and these violent extremists must be brought to justice.

OPPOSITION TO SECTION 418 IN THE SOCIAL SECURITY PROTECTION ACT

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Madam Speaker, I rise in opposition today to the provision of section 418 within H.R. 743, which would have closed a so-called ''loophole'' relating to the government pension offset. Since this provision was

not removed from the measure, I am forced to oppose this entirely.

The government pension offset unfairly reduces the retirement benefits of public employees, our teachers who have dedicated their lives to serving their communities and our children. Many of those impacted expect to receive the Social Security benefits their spouses earned and often remain unaware of the offsets until they reach retirement age. Educators are shocked to learn that their decision to enter the education profession, often at a considerable financial sacrifice, has caused them to also lose the benefits that they had counted on. The resulting loss of income forces some into poverty and desperation.

I ask that we vote ''no'' on H.R. 743.

FAMILY CARE TAX CREDIT ACT

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Madam Speaker, providing help to our working families is one of the main reasons I am in Washington today. I am proud of what we have accomplished, partial elimination of the marriage tax penalty, as well as expansion of the child tax credit; but I believe we should go a step further.

Currently, we give tax credit to families who pay for day care and other services, but families who have a parent taking care of their children are left on their own. That is why I have introduced the Family Care Tax Credit Act to give a fair and balanced approach to the child care tax credits by giving help to all middle-class families of children. Many parents in Kansas tell me that they would like to stay home with their children or to care for a loved one, but they cannot overcome the financial barriers caused by this tax bill. My plan would simply remove one of those barriers.

President Bush's economic stimulus package is a good start, but I think we could and should do more.

EXPANDED AND IMPROVED MEDICARE FOR ALL ACT

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, today the New York Times reported that 75 million people went without health insurance in 2001 or 2002. Our failing economy and rising health care costs are failing working families who make up the majority of uninsured Americans. While costs continue to go up, we are not getting what we are paying for. Government expenditures has accounted for 60 percent of total U.S. health care costs. Our government spends more money per person than countries that provide universal health care. Our citizens are so close to paying for a universal health care system, but so far from getting it.

The gentleman from Michigan (Mr. CONYERS) and I have introduced a bill to ensure that all Americans have access to a universal high standard of medical care. This bill, Medicare for All, would help patients get the health care they need. It would help physicians, nurses, and other health professionals to get back to practicing medicine instead of filling out paperwork. I encourage my colleagues to cosponsor H.R. 676, a bill to finally bring universal guaranteed quality health care to all Americans.

A TRIBUTE TO AN AMAZING MAN FROM LAKELAND, FLORIDA

(Mr. PUTNAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUTNAM. Madam Speaker, I rise today to honor an extraordinary man, a man who lived to see his wish come true. Lakeland's John McMorran, who passed away as the oldest-living American at the ripe old age of 113, got his wish to live in 3 centuries.

John McMorran, the fourth-oldest living person in the world, was born in a log cabin in Port Huron, Michigan, on June 19, 1889, the same year the Eiffel Tower was built. In 1990 he moved to Lakeland in my district to be near his family. The son of farmers, he held a variety of jobs until he retired at 84. He worked at a Detroit munitions factory earning a dollar a day during World War I. Kind, happy, hard working, well put together were just some of the words used to describe him. He is survived by a vast network of family and friends who loved him.

Madam Speaker, I believe John McMorran said it best himself. When asked what his secret was to long life, he responded by saying: ''I drink a cup of coffee before every meal and I stay away from cheap whiskey.''

God bless John and his family, Madam Speaker.

DOMESTIC VIOLENCE

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Madam Speaker, I rise today to discuss a silent, yet deadly, epidemic facing the country: domestic violence. Every 9 seconds a woman is battered in the United States. In 2001, 80,000 women and children in New York State alone requested help from domestic violence programs, and these were only the documented cases. Many more cases go unmentioned as women, fearing to come forward, leave the assaults unreported.

The most common form of domestic abuse is physical; but many men abuse their wives and partners emotionally, sexually, and economically; and women are not the only victims. Between 3.3 and 10 million children annually witness the abuse that occurs between their parents, and so the domestic violence cycle is passed on from generation to generation.

For many years domestic violence has been viewed as a woman's problem, but that is not the case. Domestic violence is a woman's problem, a man's problem, the community's problem. The time is long overdue for men to take a stand and say that domestic violence is unacceptable. We must have full funding for the Violence Against Women Act to protect women who are victims. The President has said so, but his 2004 budget proposes a $19 million cut in funding for domestic violence. We demand full funding for the Violence Against Women Act. We commend the groups who work so tirelessly to extend this message.

HONORING C.M. WILLIAMS

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I rise today honoring an exceptional public servant from the Commonwealth of Virginia, Mr. C.M. Williams. Mr. Williams has served in local government for 40 years and as Stafford County administrator, a county with a population of more than 100,000, since 1984.

Mr. Williams has used his position well for the benefit of the Virginians that he serves. For example, he played a key role in preserving Virginia's historic treasures as executive officer of the George Washington Boyhood Home Foundation. Additionally, Mr. Williams was instrumental in obtaining funding for the Stafford Regional Airport, as well as in establishing the James Monroe Center for Graduate and Professional Studies at Mary Washington College.

Mr. Williams has long been a notable public servant and citizen, even serving as president of the Virginia Association of County Administrators. I commend him for his dedication to Virginia and wish him well in all that he pursues as he steps down to enjoy retirement.

DOMESTIC VIOLENCE

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of New York. Madam Speaker, I rise today to speak about the importance of fully funding the Violence Against Women Act of 2000, otherwise known as VAWA.

Domestic violence is a crisis that plagues far too many families in our communities. In New York State alone, the State division of criminal justice service has received 55,558 police reports of family domestic violence offenses in 1999. This alarming number

reflects only the incidences where a police report was actually filed. Domestic violence knows no boundaries, crossing all economic, race, and other barriers to disrupt families.

VAWA funds critical programs that assist millions of battered women and children nationwide. Congress took the right steps last year by fully funding the VAWA programs administered by the Department of Justice; however, several critical programs in the Department of Health and Human Services were funded at amounts well below what was needed and what was authorized in VAWA 2000. Some VAWA programs were not funded at all. We just found out that the President's fiscal 2004 budget would cut $19.2 million from crucial VAWA programs. I urge my colleagues to join me in opposing these cuts. At a time when States face a looming budget crisis and a broad spectrum of important programs are slated for funding cuts, I believe that we owe it to families caught in the devastating cycle of domestic abuse to fully fund all VAWA programs.

SUPPORTING THE SOCIAL SECURITY PROTECTION ACT

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARRETT of New Jersey. Madam Speaker, I rise today in support of H.R. 743, the Social Security Protection Act of 2003. This is a piece of legislation that strengthens Social Security for all those hard workers who have worked their entire lives paying their payroll taxes and protects those beneficiaries who rely on others to manage their affairs and their benefits. Our Nation's retirement system gives economic security to those hard workers, and they deserve a secure retirement system. Therefore, as Members of Congress, one of our first priorities must be to protect and ensure that Social Security benefits are there for our seniors.

□ 1015

Thankfully, this piece of legislation does just that. Many beneficiaries, it seems, are unable to manage their own affairs and depend on other representatives to take care of them for it. Unfortunately and sadly, there are others that are not so reputable and considerate in taking care of those affairs, and therefore, we are fortunate indeed to have H.R. 743, which will crack down on the wrongdoings and strengthen oversight and enhance penalties and collection for the benefits misuse.

If we are going to ensure Social Security and the promises of Social Security to our seniors, we must enact this legislation for our future benefits for our seniors of this Nation.

A SAFEPLACE FOR AMERICANS WITH DISABILITIES PROVIDING MUCH-NEEDED SERVICES

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Madam Speaker, for over 25 years, a concerned group of Austinites now operating as SafePlace have delivered invaluable services to victims of domestic violence. Special thanks go to Kelly White for her leadership and to Laura Wolf for her development work during these tough economic times.

I joined them yesterday here in the Capitol to hear the moving words of Kimberley Wisseman and announce the involvement of SafePlace with the Office for Victims of Crimes in expanding services across the country at 10 different sites, from Tucson to Worcester, to assist individuals with disabilities, who have about twice the rate of victimization from domestic violence as those who are without disabilities.

Despite our concerted efforts to address domestic violence, the Department of Justice reported just last week that there were almost 600,000 cases of violence against women in America during 2001. Of these, at least one in five involve domestic violence. That is why it is so very important that we here in Congress act to provide full federal funding under the Violence Against Women Act to support local efforts like SafePlace, to give them the resources to both counsel and assist those who are victims of domestic violence, but, equally important, to prevent it in the future.

END DOUBLE TAXATION OF DIVIDENDS

(Mr. CHOCOLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHOCOLA. Madam Speaker, President Bush said in his State of the Union address, ''The best and fairest way to make sure that Americans have more money is not to tax it away in the first place.''

Fundamental tax reform will allow all Americans to keep more of their own money instead of sending it to Washington, and abolishing the double tax on dividends is an important first step.

Under current tax law, income earned by corporations is taxed twice, both at the corporate level and the individual level. Ending the doubling taxation of dividends would benefit millions of Americans who invest in successful companies, either directly or through retirement accounts like IRAs.

Eliminating this extra tax burden will provide $20 billion in tax relief to Americans this year alone, resulting in higher levels of economic output and job creation, again starting this year.

Fixing this flaw in the Tax Code is particularly good for seniors. Almost half of all savings from the dividend exemption would go to taxpayers 65 and older. The average savings for the 9.8 million seniors receiving dividends would be $936.

Madam Speaker, it is fair to tax companies profits. It is unfair to tax that profit again when it is distributed to individuals. For the good of our economy and the good of all Americans, Congress should move quickly to end the double taxation of dividend income.

RECOGNIZING THE SECOND ANNUAL STOP VIOLENCE WEEK IN WASHINGTON

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today in support of those fighting domestic violence in our communities.

Historically we have viewed domestic violence as a woman's issue, and statistics tend to support that school of thought. Nearly one-third of American women report being physically or sexually abused by a husband or boyfriend at some point in their lives, every 2 minutes a woman is raped in the United States, and more than 500,000 women are stalked every year.

But as we all become more educated on the causes and the effects of such actions, we realize that this is a problem that is not gender-biased, but one that touches every aspect of our society. It affects families, children, friends and even coworkers.

More and more, men are joining the voices in the fight against domestic violence, and I applaud them for having the insight to understand that this is more than a woman's issue and that it is everybody's responsibility. And I applaud organizations like the National Coalition Against Domestic Violence for continuing to raise awareness of this issue and for all who join them to protect women across this country and in the world.

STOP VIOLENCE WEEK IN WASHINGTON

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Madam Speaker, I rise in support of the Stop Violence Week in Washington.

The Violence against Women Act has rescued countless women from the vicious cycle of family violence, but there is so much more to be done. That is why we cannot abandoned our commitment to protecting women from domestic abuse and sexual assault here at home and around the globe. We cannot let the campaign to wage war with Iraq drown out our war against domestic violence and sexual assault.

While the world we live in today seems to be constantly changing, too many women, both in and outside the United States, continue to spend their days living in fear and wondering what might happen to them if they even try to end their abusive relationships. These women are counting on us to fund the programs to ensure that they have access to the emotional and legal support services needed for victim recovery. To forget their needs is not an option.

SUPPORT THE HOMETOWN HEROES SURVIVOR BENEFITS ACT

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Madam Speaker, our Nation's firefighters, law enforcement officers and EMS workers are truly our hometown heroes. When we call them, they risk their lives for all of us.

The Federal Public Safety Officers Benefit provides the families of public safety officers who are killed in the line of duty with a one-time financial benefit. Yet too often the families of public safety officers who are killed by or die of a heart attack or stroke while performing their duties are denied these benefits.

Last week, with the gentleman from Pennsylvania (Mr. WELDON), the gentleman from Maryland (Mr. HOYER) and over 70 of my colleagues, I reintroduced this Hometown Heroes Survivor Benefit Act to correct this technicality in the law. H.R. 919 is a bipartisan bill to provide the benefits to the families of public safety officers who are killed by heart attack or stroke while on duty or within 24 hours after participating in a training exercise or responding to an emergency situation.

Madam Speaker, this is exactly the type of bipartisan legislation that should pass this House, and I urge all my colleagues to join me in honoring our hometown heroes by supporting H.R. 919.

COME HOME TO AMERICA

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Madam Speaker, today I join with a number of concerned shareholders to encourage Tyco to come home to America. Formerly a resident of New Hampshire, Tyco renounced its U.S. corporate citizenship in 1997 and left for Bermuda. For many of these corporate expatriates, the sunny climate of Bermuda is not the main draw; it is the lacks regulatory structure and the low taxes that lure these former U.S. companies to island tax havens.

For Tyco, it has meant the ability to avoid $400 million in U.S. taxes. Joint Tax has estimated that if all these corporate expatriates were to pay their Federal income taxes again, as legislation I have filed would require, listen to this, we would save $4 billion in tax revenue.

Certainly, as we discuss the ''shared sacrifices'' during a wartime economy, should these corporations not contribute as well? We are sending our children, men and women off to Iraqi shores, and we are asking these corporate patriots to go to Bermuda?

Today, Madam Speaker, I urge shareholders to approve proposal article number 7, despite the opposition of Tyco's management, and, Madam Speaker, I urge the Republican leadership to bring up my bill, the Corporate Patriot Enforcement Act, so we can tell all of these corporate expatriates, come home to America.

DOMESTIC VIOLENCE AND WELFARE

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Madam Speaker, I rise today to speak about the need to address domestic violence against women within the context of our welfare system.

One in every three welfare recipients has experienced domestic violence in the 12 months prior to receiving welfare assistance. Making women choose between financial security and physical safety is appalling. The provisions in the bill which urge marriage and have programs to get people married, which will encourage some women either to stay in a abusive relationship or marry an abuser, is not the way welfare should be moving for economic security. This is no way to promote that.

Women have the right to financial stability and physical safety for themselves and for their children. Welfare's means for promoting success and economic stability should come through education and training and other responsible ways.

Education is the number one predictor of future opportunities in the work force. We should be putting our limited and valuable resources toward these proven vehicles of helping women, instead of throwing it away on unproved programs to urge people to get married. There is no question we are going to put more women in harm's way with those kinds of programs.

DEDICATE RESOURCES TO ENDING ALL VIOLENCE AGAINST WOMEN

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Madam Speaker, you will hear throughout this Stop Violence Week the horrifying statistics of how many women are abused by their partners in their own homes, how many women are raped by men that they know, and how many women and girls worldwide face violence on a daily basis. Yet, despite this crisis at home and abroad, the administration's budget cuts funding for Violence Against Women programs by nearly $20 million.

There continues to be no funding for transitional housing for victims who are fleeing violence and need services and support to get back on their feet. The Department of Justice has yet to establish a strong and independent Violence Against Women Office, despite the fact that Congress passed legislation in the last Congress requiring this. And now the Attorney General wants to establish new regulations making it harder for women who face gender-based persecution in their countries to seek asylum in the United States.

We must work hard to end all violence against women, and it is time that we dedicate the resources needed to achieve this goal.

RESTORE CUTS MADE TO VIOLENCE AGAINST WOMEN ACT PROGRAMS

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Madam Speaker, I rise today to illustrate the great necessity for services to victims of domestic violence and sexual assault.

According to the Department of Justice, every year in the United States, 4.9 million people are victimized by their intimate partners. In order to break free of violence, these victims seek assistance through the National Domestic Violence Hotline, local shelter programs, rape crisis centers and transitional housing programs.

The Violence against Women Act of 2000, VAWA, authorized funding for these essential programs. In his State of the Union address, the President listed domestic violence services as important and worthy of Federal funding. Yet the President's 2004 budget cuts over $19 million from VAWA programs. This cut may seem minimal. However, for victims of domestic violence it could mean the literal difference between life and death.

I stand before you today and ask that Congress restore the cuts made to the VAWA programs in the President's budget in order to preserve essential services to victims of domestic violence and their children. Without full funding for these programs, women's lives are literally in jeopardy.

FIGHTING HEART DISEASE

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Madam Speaker, this is Women's History Month, where we underscore the contributions of women across this world, and we also underscore, Madam Speaker, the challenges that women face.

My subject matter this morning, Madam Speaker, is about heart disease. Cardiovascular disease is the Nation's leading killer among men and women of all racial backgrounds. Approximately 1 million Americans die of cardiovascular disease every year.

□ 1030

It is estimated that cardiovascular disease cost Americans almost $330 billion in 2002 for cardiovascular disease-related medical costs and disability.

In the United States, twice as many women die of heart disease and stroke as all forms of cancer, including breast cancer. In my home State of Indiana, a study was conducted regarding heart disease in women during 1991 through 1995. Findings revealed that close to 45,000 women in Indiana died from diseases of the heart during the study period. Overall, close to 85,000 people in Indiana died from diseases of the heart during the last 5 years.

I was delighted to participate in the Sister to Sister Women's Heart Day on Capitol Hill. It is the kind of information, education, and support that we all need.

THE JOURNAL

The SPEAKER pro tempore (Mrs. MYRICK). Pursuant to clause 8, rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 373, nays 39, not voting 22, as follows:

[Roll No. 43]

YEAS—373

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutierrez
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Ortiz
Osborne
Ose
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Linda T.
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
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Simpson
Skelton
Slaughter
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Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Van Hollen
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
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Lewis (GA)
LoBiondo
McDermott
McNulty
Miller, George
Moran (KS)
Nussle
Oberstar
Olver
Otter
Peterson (MN)
Ramstad
Rodriguez
Sabo
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Grijalva
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Moran (VA)
Obey
Owens
Oxley
Rogers (AL)
Sanders
Snyder
Stupak
Sweeney
Terry
Waters
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MYRICK) (during the vote). The Chair would remind all Members there are less than 2 minutes remaining in this vote.

□ 1052

Mr. WU changed his vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. ALEXANDER. Mr. Speaker, on rollcall No. 43, the Approval of the Journal, had I been present, I would have voted ''yea.''

Mr. CARDOZA. Mr. Speaker, on rollcall No. 43, I was unavoidably detained during the rollcall vote. Had I been present I would have voted ''yea.''

Mr. GRIJALVA. Mr. Speaker, on rollcall No. 43, I was in committee mtg. Had I been present, I would have voted ''yea.''

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ELECTION OF MEMBER TO COMMITTEE ON ARMED SERVICES

Ms. DELAURO. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 123) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 123

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON ARMED SERVICES: Mr. Ruppersberger (to rank immediately after Mr. Alexander).

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 5, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective March 5, 2003, I hereby take a leave of absence from the Committee on Armed Services due to my appointments to the Permanent Select Committee on Intelligence and the Committee on Government Reform.

Sincerely,
C.A. DUTCH RUPPERSBERGER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Ms. DELAURO. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 124) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 124

Resolved, That the following named Members and Delegates be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES: Mr. Ryan of Ohio (to rank immediately after Mr. Alexander).

(2) COMMITTEE ON EDUCATION: Mr. Bishop of New York (to rank immediately after Mr. Ryan of Ohio).

(3) COMMITTEE ON FINANCIAL SERVICES: Mr. Sanders (to rank immediately after Ms. Waters).

(4) COMMITTEE ON GOVERNMENT REFORM: Mr. Sanders (to rank immediately after Mr. Kanjorski), Mr. Cooper (to rank immediately after Ms. Norton).

(5) COMMITTEE ON RESOURCES: Mr. George Miller of California, Mr. Markey, Mr. Hinojosa, Mr. Rodriguez, Mr. Baca, Ms. McCollum.

(6) COMMITTEE ON SCIENCE: Mr. Cardoza (to rank immediately after Mr. Matheson), Ms. Jackson-Lee of Texas (to rank immediately after Mr. Davis of Tennessee), Ms. Lofgren (to rank immediately after Ms. Jackson-Lee of Texas).

(7) COMMITTEE ON SMALL BUSINESS: Mr. Faleomavaega (to rank immediately after Mr. Ballance), Ms. Linda T. Sánchez.

Ms. DELAURO (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken later today.

SOCIAL SECURITY PROTECTION ACT OF 2003

Mr. SHAW. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 743) to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance the program protections, and for other purposes, as amended.

The Clerk read as follows:

H.R. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Social Security Protection Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

SEC. 101. AUTHORITY TO REISSUE BENEFITS MISUSED BY ORGANIZATIONAL REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 205(j)(5) of the Social Security Act (42 U.S.C. 405(j)(5)) is amended by inserting after the first sentence the following new sentences: ''In any case in which a representative payee that—

''(A) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of paragraph (4)(B)); or

''(B) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title VIII, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall certify for payment to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of paragraph (7)(B).''.

(2) MISUSE OF BENEFITS DEFINED.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended by adding at the end the following new paragraph:

''(8) For purposes of this subsection, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this paragraph.''.

(b) TITLE VIII AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 807(i) of the Social Security Act (42 U.S.C. 1007(i)) is amended by inserting after the first sentence the following new sentences: ''In any case in which a representative payee that—

''(1) is not an individual; or

''(2) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title XVI, or any combination of such titles;

misuses all or part of an individual's benefit paid to such representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of such benefit so misused. The provisions of this paragraph are subject to the limitations of subsection (l)(2).''.

(2) MISUSE OF BENEFITS DEFINED.—Section 807 of such Act (42 U.S.C. 1007) is amended by adding at the end the following new subsection:

''(j) MISUSE OF BENEFITS.—For purposes of this title, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person under this title and converts such payment, or any part thereof, to a use other than for the use and benefit of such person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this subsection.''.

(3) TECHNICAL AMENDMENT.—Section 807(a) of such Act (42 U.S.C. 1007(a)) is amended, in the first sentence, by striking ''for his or her benefit'' and inserting ''for his or her use and benefit''.

(c) TITLE XVI AMENDMENTS.—

(1) REISSUANCE OF BENEFITS.—Section 1631(a)(2)(E) of such Act (42 U.S.C. 1383(a)(2)(E)) is amended by inserting after the first sentence the following new sentences: ''In any case in which a representative payee that—

''(i) is not an individual (regardless of whether it is a 'qualified organization' within the meaning of subparagraph (D)(ii)); or

''(ii) is an individual who, for any month during a period when misuse occurs, serves 15 or more individuals who are beneficiaries under this title, title II, title VIII, or any combination of such titles;

misuses all or part of an individual's benefit paid to the representative payee, the Commissioner of Social Security shall pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the amount of the benefit so misused. The provisions of this subparagraph are subject to the limitations of subparagraph (H)(ii).''.

(2) EXCLUSION OF REISSUED BENEFITS FROM RESOURCES.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(A) in paragraph (12), by striking ''and'' at the end;

(B) in paragraph (13), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (13) the following new paragraph:

''(14) for the 9-month period beginning after the month in which received, any amount received by such individual (or spouse) or any other person whose income is deemed to be included in such individual's (or spouse's) income for purposes of this title as restitution for benefits under this title, title II, or title VIII that a representative payee of such individual (or spouse) or such other person under section 205(j), 807, or 1631(a)(2) has misused.''.

(3) MISUSE OF BENEFITS DEFINED.—Section 1631(a)(2)(A) of such Act (42 U.S.C. 1383(a)(2)(A)) is amended by adding at the end the following new clause:

''(iv) For purposes of this paragraph, misuse of benefits by a representative payee occurs in any case in which the representative payee receives payment under this title for the use and benefit of another person and converts such payment, or any part thereof, to a use other than for the use and benefit of such other person. The Commissioner of Social Security may prescribe by regulation the meaning of the term 'use and benefit' for purposes of this clause.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any case of benefit misuse by a representative payee with respect to which the Commissioner makes the determination of misuse on or after January 1, 1995.

SEC. 102. OVERSIGHT OF REPRESENTATIVE PAYEES.

(a) CERTIFICATION OF BONDING AND LICENSING REQUIREMENTS FOR NONGOVERNMENTAL ORGANIZATIONAL REPRESENTATIVE PAYEES.—

(1) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (2)(C)(v), by striking ''a community-based nonprofit social service agency licensed or bonded by the State'' in subclause (I) and inserting ''a certified community-based nonprofit social service agency (as defined in paragraph (9))'';

(B) in paragraph (3)(F), by striking ''community-based nonprofit social service agencies'' and inserting ''certified community-based nonprofit social service agencies (as defined in paragraph (9))'';

(C) in paragraph (4)(B), by striking ''any community-based nonprofit social service agency which is bonded or licensed in each State in which it serves as a representative payee'' and inserting ''any certified community-based nonprofit social service agency (as defined in paragraph (9))''; and

(D) by adding after paragraph (8) (as added by section 101(a)(2) of this Act) the following new paragraph:

''(9) For purposes of this subsection, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in such State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on such agency which may have been performed since the previous certification.''.

(2) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (B)(vii), by striking ''a community-based nonprofit social service agency licensed or bonded by the State'' in subclause (I) and inserting ''a certified community-based nonprofit social service agency (as defined in subparagraph (I))'';

(B) in subparagraph (D)(ii)—

(i) by striking ''or any community-based'' and all that follows through ''in accordance'' in subclause (II) and inserting ''or any certified community-based nonprofit social service agency (as defined in subparagraph (I)), if the agency, in accordance'';

(ii) by redesignating items (aa) and (bb) as subclauses (I) and (II), respectively (and adjusting the margination accordingly); and

(iii) by striking ''subclause (II)(bb)'' and inserting ''subclause (II)''; and

(C) by adding at the end the following new subparagraph:

''(I) For purposes of this paragraph, the term 'certified community-based nonprofit social service agency' means a community-based nonprofit social service agency which is in compliance with requirements, under regulations which shall be prescribed by the Commissioner, for annual certification to the Commissioner that it is bonded in accordance with requirements specified by the Commissioner and that it is licensed in each State in which it serves as a representative payee (if licensing is available in the State) in accordance with requirements specified by the Commissioner. Any such annual certification shall include a copy of any independent audit on the agency which may have been performed since the previous certification.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(b) PERIODIC ONSITE REVIEW.—

(1) TITLE II AMENDMENT.—Section 205(j)(6) of such Act (42 U.S.C. 405(j)(6)) is amended to read as follows:

''(6)(A) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency located in the United States that receives the benefits payable under this title (alone or in combination with benefits payable under title VIII or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this subsection, section 807, or section 1631(a)(2) in any case in which—

''(i) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

''(ii) the representative payee is a certified community-based nonprofit social service agency (as defined in paragraph (9) of this subsection or section 1631(a)(2)(I)); or

''(iii) the representative payee is an agency (other than an agency described in clause

(ii)) that serves in that capacity with respect to 50 or more such individuals.

''(B) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to subparagraph (A) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

''(i) the number of such reviews;

''(ii) the results of such reviews;

''(iii) the number of cases in which the representative payee was changed and why;

''(iv) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(v) the number of cases discovered in which there was a misuse of funds;

''(vi) how any such cases of misuse of funds were dealt with by the Commissioner;

''(vii) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(viii) such other information as the Commissioner deems appropriate.''.

(2) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 101(b)(2) of this Act) is amended further by adding at the end the following new subsection:

''(k) PERIODIC ONSITE REVIEW.—(1) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner may provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title XVI) to another individual pursuant to the appointment of such person or agency as a representative payee under this section, section 205(j), or section 1631(a)(2) in any case in which—

''(A) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals; or

''(B) the representative payee is an agency that serves in that capacity with respect to 50 or more such individuals.

''(2) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to paragraph (1) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in such reviews and any corrective action taken or planned to be taken to correct such problems, and shall include—

''(A) the number of such reviews;

''(B) the results of such reviews;

''(C) the number of cases in which the representative payee was changed and why;

''(D) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(E) the number of cases discovered in which there was a misuse of funds;

''(F) how any such cases of misuse of funds were dealt with by the Commissioner;

''(G) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(H) such other information as the Commissioner deems appropriate.''.

(3) TITLE XVI AMENDMENT.—Section 1631(a)(2)(G) of such Act (42 U.S.C. 1383(a)(2)(G)) is amended to read as follows:

''(G)(i) In addition to such other reviews of representative payees as the Commissioner of Social Security may otherwise conduct, the Commissioner shall provide for the periodic onsite review of any person or agency that receives the benefits payable under this title (alone or in combination with benefits payable under title II or title VIII) to another individual pursuant to the appointment of the person or agency as a representative payee under this paragraph, section 205(j), or section 807 in any case in which—

''(I) the representative payee is a person who serves in that capacity with respect to 15 or more such individuals;

''(II) the representative payee is a certified community-based nonprofit social service agency (as defined in subparagraph (I) of this paragraph or section 205(j)(9)); or

''(III) the representative payee is an agency (other than an agency described in subclause (II)) that serves in that capacity with respect to 50 or more such individuals.

''(ii) Within 120 days after the end of each fiscal year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the results of periodic onsite reviews conducted during the fiscal year pursuant to clause (i) and of any other reviews of representative payees conducted during such fiscal year in connection with benefits under this title. Each such report shall describe in detail all problems identified in the reviews and any corrective action taken or planned to be taken to correct the problems, and shall include—

''(I) the number of the reviews;

''(II) the results of such reviews;

''(III) the number of cases in which the representative payee was changed and why;

''(IV) the number of cases involving the exercise of expedited, targeted oversight of the representative payee by the Commissioner conducted upon receipt of an allegation of misuse of funds, failure to pay a vendor, or a similar irregularity;

''(V) the number of cases discovered in which there was a misuse of funds;

''(VI) how any such cases of misuse of funds were dealt with by the Commissioner;

''(VII) the final disposition of such cases of misuse of funds, including any criminal penalties imposed; and

''(VIII) such other information as the Commissioner deems appropriate.''.

SEC. 103. DISQUALIFICATION FROM SERVICE AS REPRESENTATIVE PAYEE OF PERSONS CONVICTED OF OFFENSES RESULTING IN IMPRISONMENT FOR MORE THAN 1 YEAR OR FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT.

(a) TITLE II AMENDMENTS.—Section 205(j)(2) of the Social Security Act (42 U.S.C. 405(j)(2)) is amended—

(1) in subparagraph (B)(i)—

(A) by striking ''and'' at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

''(IV) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year,

''(V) obtain information concerning whether such person is a person described in section 202(x)(1)(A)(iv), and'';

(2) in subparagraph (B), by adding at the end the following new clause:

''(iii) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this paragraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

''(I) such person is described in section 202(x)(1)(A)(iv),

''(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

''(III) the location or apprehension of such person is within the officer's official duties.'';

(3) in subparagraph (C)(i)(II), by striking ''subparagraph (B)(i)(IV),,'' and inserting ''subparagraph (B)(i)(VI)'' and striking ''section 1631(a)(2)(B)(ii)(IV)'' and inserting ''section 1631(a)(2)(B)(ii)(VI)''; and

(4) in subparagraph (C)(i)—

(A) by striking ''or'' at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a comma; and

(C) by adding at the end the following new subclauses:

''(IV) such person has previously been convicted as described in subparagraph (B)(i)(IV), unless the Commissioner determines that such certification would be appropriate notwithstanding such conviction, or

''(V) such person is person described in section 202(x)(1)(A)(iv).''.

(b) TITLE VIII AMENDMENTS.—Section 807 of such Act (42 U.S.C. 1007) is amended—

(1) in subsection (b)(2)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) the following new subparagraphs:

''(D) obtain information concerning whether such person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

''(E) obtain information concerning whether such person is a person described in section 804(a)(2); and'';

(2) in subsection (b), by adding at the end the following new paragraph:

''(3) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subsection, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

''(A) such person is described in section 804(a)(2),

''(B) such person has information that is necessary for the officer to conduct the officer's official duties, and

''(C) the location or apprehension of such person is within the officer's official duties.''; and

(3) in subsection (d)(1)—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(D) such person has previously been convicted as described in subsection (b)(2)(D), unless the Commissioner determines that such payment would be appropriate notwithstanding such conviction; or

''(E) such person is a person described in section 804(a)(2).''.

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(1) in clause (ii)—

(A) by striking ''and'' at the end of subclause (III);

(B) by redesignating subclause (IV) as subclause (VI); and

(C) by inserting after subclause (III) the following new subclauses:

''(IV) obtain information concerning whether the person has been convicted of any other offense under Federal or State law which resulted in imprisonment for more than 1 year;

''(V) obtain information concerning whether such person is a person described in section 1611(e)(4)(A); and'';

(2) in clause (iii)(II)—

(A) by striking ''clause (ii)(IV)'' and inserting ''clause (ii)(VI)''; and

(B) by striking ''section 205(j)(2)(B)(i)(IV)'' and inserting ''section 205(j)(2)(B)(i)(VI)'';

(3) in clause (iii)—

(A) by striking ''or'' at the end of subclause (II);

(B) by striking the period at the end of subclause (III) and inserting a semicolon; and

(C) by adding at the end the following new subclauses:

''(IV) the person has previously been convicted as described in clause (ii)(IV) of this subparagraph, unless the Commissioner determines that the payment would be appropriate notwithstanding the conviction; or

''(V) such person is a person described in section 1611(e)(4)(A).''; and

(4) by adding at the end the following new clause:

''(xiv) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, social security account number, and photograph (if applicable) of any person investigated under this subparagraph, if the officer furnishes the Commissioner with the name of such person and such other identifying information as may reasonably be required by the Commissioner to establish the unique identity of such person, and notifies the Commissioner that—

''(I) such person is described in section 1611(e)(4)(A),

''(II) such person has information that is necessary for the officer to conduct the officer's official duties, and

''(III) the location or apprehension of such person is within the officer's official duties.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(e) REPORT TO THE CONGRESS.—The Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration, shall prepare a report evaluating whether the existing procedures and reviews for the qualification (including disqualification) of representative payees are sufficient to enable the Commissioner to protect benefits from being misused by representative payees. The Commissioner shall submit the report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate no later than 270 days after the date of the enactment of this Act. The Commissioner shall include in such report any recommendations that the Commissioner considers appropriate.

SEC. 104. FEE FORFEITURE IN CASE OF BENEFIT MISUSE BY REPRESENTATIVE PAYEES.

(a) TITLE II AMENDMENTS.—Section 205(j)(4)(A)(i) of the Social Security Act (42 U.S.C. 405(j)(4)(A)(i)) is amended—

(1) in the first sentence, by striking ''A'' and inserting ''Except as provided in the next sentence, a''; and

(2) in the second sentence, by striking ''The Secretary'' and inserting the following: ''A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of paragraphs (5) and (6). The Commissioner''.

(b) TITLE XVI AMENDMENTS.—Section 1631(a)(2)(D)(i) of such Act (42 U.S.C. 1383(a)(2)(D)(i)) is amended—

(1) in the first sentence, by striking ''A'' and inserting ''Except as provided in the next sentence, a''; and

(2) in the second sentence, by striking ''The Commissioner'' and inserting the following: ''A qualified organization may not collect a fee from an individual for any month with respect to which the Commissioner of Social Security or a court of competent jurisdiction has determined that the organization misused all or part of the individual's benefit, and any amount so collected by the qualified organization for such month shall be treated as a misused part of the individual's benefit for purposes of subparagraphs (E) and (F). The Commissioner''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any month involving benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 105. LIABILITY OF REPRESENTATIVE PAYEES FOR MISUSED BENEFITS.

(a) TITLE II AMENDMENTS.—Section 205(j) of the Social Security Act (42 U.S.C. 405(j)) (as amended by sections 101 and 102) is amended further—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (10), respectively;

(2) in paragraphs (2)(C)(v), (3)(F), and (4)(B), by striking ''paragraph (9)'' and inserting ''paragraph (10)'';

(3) in paragraph (6)(A)(ii), by striking ''paragraph (9)'' and inserting ''paragraph (10)''; and

(4) by inserting after paragraph (6) the following new paragraph:

''(7)(A) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to such representative payee under this subsection, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to subparagraph (B), upon recovering all or any part of such amount, the Commissioner shall certify an amount equal to the recovered amount for payment to such individual or such individual's alternative representative payee.

''(B) The total of the amount certified for payment to such individual or such individual's alternative representative payee under subparagraph (A) and the amount certified for payment under paragraph (5) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(b) TITLE VIII AMENDMENT.—Section 807 of such Act (as amended by section 102(b)(2)) is amended further by adding at the end the following new subsection:

''(l) LIABILITY FOR MISUSED AMOUNTS.—

''(1) IN GENERAL.—If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of a qualified individual's benefit that was paid to such representative payee under this section, the representative payee shall be liable for the amount misused, and such amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of such overpayments. Subject to paragraph (2), upon recovering all or any part of such amount, the Commissioner shall make payment of an amount equal to the recovered amount to such qualified individual or such qualified individual's alternative representative payee.

''(2) LIMITATION.—The total of the amount paid to such individual or such individual's alternative representative payee under paragraph (1) and the amount paid under subsection (i) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(c) TITLE XVI AMENDMENTS.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) (as amended by section 102(b)(3)) is amended further—

(1) in subparagraph (G)(i)(II), by striking ''section 205(j)(9)'' and inserting ''section 205(j)(10)''; and

(2) by striking subparagraph (H) and inserting the following:

''(H)(i) If the Commissioner of Social Security or a court of competent jurisdiction determines that a representative payee that is not a Federal, State, or local government agency has misused all or part of an individual's benefit that was paid to the representative payee under this paragraph, the representative payee shall be liable for the amount misused, and the amount (to the extent not repaid by the representative payee) shall be treated as an overpayment of benefits under this title to the representative payee for all purposes of this Act and related laws pertaining to the recovery of the overpayments. Subject to clause (ii), upon recovering all or any part of the amount, the Commissioner shall make payment of an amount equal to the recovered amount to such individual or such individual's alternative representative payee.

''(ii) The total of the amount paid to such individual or such individual's alternative representative payee under clause (i) and the amount paid under subparagraph (E) may not exceed the total benefit amount misused by the representative payee with respect to such individual.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit misuse by a representative payee in any case with respect to which the Commissioner of Social Security or a court of competent jurisdiction makes the determination of misuse after 180 days after the date of the enactment of this Act.

SEC. 106. AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.

(a) TITLE II AMENDMENTS.—Section 205(j)(3) of the Social Security Act (42 U.S.C. 405(j)(3)) (as amended by sections 102(a)(1)(B) and 105(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) In any case in which the person described in subparagraph (A) or (D) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under subparagraph (A) or (D), the Commissioner may, after furnishing notice to such person and the individual entitled to such payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.''.

(b) TITLE VIII AMENDMENTS.—Section 807(h) of such Act (42 U.S.C. 1007(h)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) AUTHORITY TO REDIRECT DELIVERY OF BENEFIT PAYMENTS WHEN A REPRESENTATIVE PAYEE FAILS TO PROVIDE REQUIRED ACCOUNTING.—In any case in which the person described in paragraph (1) or (2) receiving benefit payments on behalf of a qualified individual fails to submit a report required by the Commissioner of Social Security under paragraph (1) or (2), the Commissioner may, after furnishing notice to such person and the qualified individual, require that such person appear in person at a United States Government facility designated by the Social Security Administration as serving the area in which the qualified individual resides in order to receive such benefit payments.''.

(c) TITLE XVI AMENDMENT.—Section 1631(a)(2)(C) of such Act (42 U.S.C. 1383(a)(2)(C)) is amended by adding at the end the following new clause:

''(v) In any case in which the person described in clause (i) or (iv) receiving payments on behalf of another fails to submit a report required by the Commissioner of Social Security under clause (i) or (iv), the Commissioner may, after furnishing notice to the person and the individual entitled to the payment, require that such person appear in person at a field office of the Social Security Administration serving the area in which the individual resides in order to receive such payments.''.

(d) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

Subtitle B—Enforcement

SEC. 111. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO WRONGFUL CONVERSIONS BY REPRESENTATIVE PAYEES.

(a) IN GENERAL.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8) is amended by adding at the end the following new paragraph:

''(3) Any person (including an organization, agency, or other entity) who, having received, while acting in the capacity of a representative payee pursuant to section 205(j), 807, or 1631(a)(2), a payment under title II, VIII, or XVI for the use and benefit of another individual, converts such payment, or any part thereof, to a use that such person knows or should know is other than for the use and benefit of such other individual shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each such conversion. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from the conversion, of not more than twice the amount of any payments so converted.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to violations committed after the date of the enactment of this Act.

TITLE II—PROGRAM PROTECTIONS

SEC. 201. CIVIL MONETARY PENALTY AUTHORITY WITH RESPECT TO KNOWING WITHHOLDING OF MATERIAL FACTS.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—Section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking ''who'' in the first sentence and inserting ''who—'';

(B) by striking ''makes'' in the first sentence and all that follows through ''shall be subject to'' and inserting the following:

''(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading,

''(B) makes such a statement or representation for such use with knowing disregard for the truth, or

''(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to'';

(C) by inserting ''or each receipt of such benefits or payments while withholding disclosure of such fact'' after ''each such statement or representation'' in the first sentence;

(D) by inserting ''or because of such withholding of disclosure of a material fact'' after ''because of such statement or representation'' in the second sentence; and

(E) by inserting ''or such a withholding of disclosure'' after ''such a statement or representation'' in the second sentence.

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—Section 1129A(a) of such Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking ''who'' the first place it appears and inserting ''who—''; and

(B) by striking ''makes'' and all that follows through ''shall be subject to,'' and inserting the following:

''(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI that the person knows or should know is false or misleading,

''(2) makes such a statement or representation for such use with knowing disregard for the truth, or

''(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the person knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title XVI, if the person knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to,''.

(b) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of such Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking ''In the case of amounts recovered arising out of a determination relating to title VIII or XVI,'' and inserting ''In the case of any other amounts recovered under this section,''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of such Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking ''charging fraud or false statements''.

(2) Section 1129(c)(1) of such Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking ''and representations'' and inserting '', representations, or actions''.

(3) Section 1129(e)(1)(A) of such Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking ''statement or representation referred to in subsection (a) was made'' and inserting ''violation occurred''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations committed after the date on which the Commissioner implements the centralized computer file described in section 202.

SEC. 202. ISSUANCE BY COMMISSIONER OF SOCIAL SECURITY OF RECEIPTS TO ACKNOWLEDGE SUBMISSION OF REPORTS OF CHANGES IN WORK OR EARNINGS STATUS OF DISABLED BENEFICIARIES.

Effective as soon as possible, but not later than 1 year after the date of the enactment of this Act, until such time as the Commissioner of Social Security implements a centralized computer file recording the date of the submission of information by a disabled beneficiary (or representative) regarding a change in the beneficiary's work or earnings status, the Commissioner shall issue a receipt to the disabled beneficiary (or representative) each time he or she submits documentation, or otherwise reports to the Commissioner, on a change in such status.

SEC. 203. DENIAL OF TITLE II BENEFITS TO PERSONS FLEEING PROSECUTION, CUSTODY, OR CONFINEMENT, AND TO PERSONS VIOLATING PROBATION OR PAROLE.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by striking ''Prisoners'' and all that follows and inserting the following: ''Prisoners, Certain Other Inmates of Publicly Funded Institutions, Fugitives, Probationers, and Parolees'';

(2) in paragraph (1)(A)(ii)(IV), by striking ''or'' at the end;

(3) in paragraph (1)(A)(iii), by striking the period at the end and inserting a comma;

(4) by inserting after paragraph (1)(A)(iii) the following:

''(iv) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the person flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State, or

''(v) is violating a condition of probation or parole imposed under Federal or State law.

In the case of an individual from whom such monthly benefits have been withheld pursuant to clause (iv) or (v), the Commissioner may, for good cause shown, pay such withheld benefits to the individual.''; and

(5) in paragraph (3), by adding at the end the following new subparagraph:

''(C) Notwithstanding the provisions of section 552a of title 5, United States Code, or any other provision of Federal or State law (other than section 6103 of the Internal Revenue Code of 1986 and section 1106(c) of this Act), the Commissioner shall furnish any Federal, State, or local law enforcement officer, upon the written request of the officer, with the current address, Social Security number, and photograph (if applicable) of any beneficiary under this title, if the officer furnishes the Commissioner with the name of the beneficiary, and other identifying information as reasonably required by the Commissioner to establish the unique identity of the beneficiary, and notifies the Commissioner that—

''(i) the beneficiary—

''(I) is described in clause (iv) or (v) of paragraph (1)(A); and

''(II) has information that is necessary for the officer to conduct the officer's official duties; and

''(ii) the location or apprehension of the beneficiary is within the officer's official duties.''.

(b) REGULATIONS.—Not later than the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act, the Commissioner of Social Security shall promulgate regulations governing payment by the Commissioner, for good cause shown, of withheld benefits, pursuant to the last sentence of section 202(x)(1)(A) of the Social Security Act (as amended by subsection (a)).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins on or after the date that is 9 months after the date of the enactment of this Act.

SEC. 204. REQUIREMENTS RELATING TO OFFERS TO PROVIDE FOR A FEE A PRODUCT OR SERVICE AVAILABLE WITHOUT CHARGE FROM THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Section 1140 of the Social Security Act (42 U.S.C. 1320b–10) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(4)(A) No person shall offer, for a fee, to assist an individual to obtain a product or service that the person knows or should know is provided free of charge by the Social Security Administration unless, at the time the offer is made, the person provides to the individual to whom the offer is tendered a notice that—

''(i) explains that the product or service is available free of charge from the Social Security Administration, and

''(ii) complies with standards prescribed by the Commissioner of Social Security respecting the content of such notice and its placement, visibility, and legibility.

''(B) Subparagraph (A) shall not apply to any offer—

''(i) to serve as a claimant representative in connection with a claim arising under title II, title VIII, or title XVI; or

''(ii) to prepare, or assist in the preparation of, an individual's plan for achieving self-support under title XVI.''; and

(2) in the heading, by striking ''PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE'' and inserting ''PROHIBITIONS RELATING TO REFERENCES''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to offers of assistance made after the sixth month ending after the Commissioner of Social Security promulgates final regulations prescribing the standards applicable to the notice required to be provided in connection with such offer. The Commissioner shall promulgate such final regulations within 1 year after the date of the enactment of this Act.

SEC. 205. REFUSAL TO RECOGNIZE CERTAIN INDIVIDUALS AS CLAIMANT REPRESENTATIVES.

Section 206(a)(1) of the Social Security Act (42 U.S.C. 406(a)(1)) is amended by inserting after the second sentence the following: ''Notwithstanding the preceding sentences, the Commissioner, after due notice and opportunity for hearing, (A) may refuse to recognize as a representative, and may disqualify a representative already recognized, any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice or who has been disqualified from participating in or appearing before any Federal program or agency, and (B) may refuse to recognize, and may disqualify, as a non-attorney representative any attorney who has been disbarred or suspended from any court or bar to which he or she was previously admitted to practice. A representative who has been disqualified or suspended pursuant to this section from appearing before the Social Security Administration as a result of collecting or receiving a fee in excess of the amount authorized shall be barred from appearing before the Social Security Administration as a representative until full restitution is made to the claimant and, thereafter, may be considered for reinstatement only under such rules as the Commissioner may prescribe.''.

SEC. 206. PENALTY FOR CORRUPT OR FORCIBLE INTERFERENCE WITH ADMINISTRATION OF SOCIAL SECURITY ACT.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129A the following new section:

''ATTEMPTS TO INTERFERE WITH ADMINISTRATION OF SOCIAL SECURITY ACT

''SEC. 1129B. Whoever corruptly or by force or threats of force (including any threatening letter or communication) attempts to intimidate or impede any officer, employee, or contractor of the Social Security Administration (including any State employee of a disability determination service or any other individual designated by the Commissioner of Social Security) acting in an official capacity to carry out a duty under this Act, or in any other way corruptly or by force or threats of force (including any threatening letter or communication) obstructs or impedes, or attempts to obstruct or impede, the due administration of this Act, shall be fined not more than $5,000, imprisoned not more than 3 years, or both, except that if the offense is committed only by threats of force, the person shall be fined not more than $3,000, imprisoned not more than 1 year, or both. In this subsection, the term 'threats of force' means threats of harm to the officer or employee of the United States or to a contractor of the Social Security Administration, or to a member of the family of such an officer or employee or contractor.''.

SEC. 207. USE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY OR MEDICARE.

(a) IN GENERAL.—Section 1140(a)(1) of the Social Security Act (42 U.S.C. 1320b–10(a)(1)) is amended—

(1) in subparagraph (A), by inserting '' 'Centers for Medicare & Medicaid Services','' after '' 'Health Care Financing Administration','', by striking ''or 'Medicaid', '' and inserting '' 'Medicaid', 'Death Benefits Update', 'Federal Benefit Information', 'Funeral Expenses', or 'Final Supplemental Plan','' and by inserting '' 'CMS','' after '' 'HCFA','';

(2) in subparagraph (B), by inserting ''Centers for Medicare & Medicaid Services,'' after ''Health Care Financing Administration,'' each place it appears; and

(3) in the matter following subparagraph (B), by striking ''the Health Care Financing Administration,'' each place it appears and inserting ''the Centers for Medicare & Medicaid Services,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items sent after 180 days after the date of the enactment of this Act.

SEC. 208. DISQUALIFICATION FROM PAYMENT DURING TRIAL WORK PERIOD UPON CONVICTION OF FRAUDULENT CONCEALMENT OF WORK ACTIVITY.

(a) IN GENERAL.—Section 222(c) of the Social Security Act (42 U.S.C. 422(c)) is amended by adding at the end the following new paragraph:

''(5) Upon conviction by a Federal court that an individual has fraudulently concealed work activity during a period of trial work from the Commissioner of Social Security by—

''(A) providing false information to the Commissioner of Social Security as to whether the individual had earnings in or for a particular period, or as to the amount thereof;

''(B) receiving disability insurance benefits under this title while engaging in work activity under another identity, including under another social security account number or a number purporting to be a social security account number; or

''(C) taking other actions to conceal work activity with an intent fraudulently to secure payment in a greater amount than is due or when no payment is authorized,

no benefit shall be payable to such individual under this title with respect to a period of disability for any month before such conviction during which the individual rendered services during the period of trial work with respect to which the fraudulently concealed work activity occurred, and amounts otherwise due under this title as restitution, penalties, assessments, fines, or other repayments shall in all cases be in addition to any amounts for which such individual is liable as overpayments by reason of such concealment.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to work activity performed after the date of the enactment of this Act.

SEC. 209. AUTHORITY FOR JUDICIAL ORDERS OF RESTITUTION.

(a) AMENDMENTS TO TITLE II.—Section 208 of the Social Security Act (42 U.S.C. 408) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

''(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

''(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

''(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefor.''.

(b) AMENDMENTS TO TITLE VIII.—Section 807(i) of such Act (42 U.S.C. 1007(i)) is amended—

(1) by striking ''(i) RESTITUTION.—In any case where'' and inserting the following:

''(i) RESTITUTION.—

''(1) IN GENERAL.—In any case where''; and

(2) by adding at the end the following new paragraph:

''(2) COURT ORDER FOR RESTITUTION.—

''(A) IN GENERAL.—Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

''(B) RELATED PROVISIONS.—Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this paragraph. In so applying such sections, the Social Security Administration shall be considered the victim.

''(C) STATED REASONS FOR NOT ORDERING RESTITUTION.—If the court does not order restitution, or orders only partial restitution, under this paragraph, the court shall state on the record the reasons therefor.''.

(c) AMENDMENTS TO TITLE XVI.—Section 1632 of such Act (42 U.S.C. 1383a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

''(b)(1) Any Federal court, when sentencing a defendant convicted of an offense under subsection (a), may order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to the Social Security Administration.

''(2) Sections 3612, 3663, and 3664 of title 18, United States Code, shall apply with respect to the issuance and enforcement of orders of restitution under this subsection. In so applying such sections, the Social Security Administration shall be considered the victim.

''(3) If the court does not order restitution, or orders only partial restitution, under this subsection, the court shall state on the record the reasons therefor.''.

(d) SPECIAL ACCOUNT FOR RECEIPT OF RESTITUTION PAYMENTS.—Section 704(b) of such Act (42 U.S.C. 904(b)) is amended by adding at the end the following new paragraph:

''(3)(A) Except as provided in subparagraph (B), amounts received by the Social Security Administration pursuant to an order of restitution under section 208(b), 807(i), or 1632(b) shall be credited to a special fund established in the Treasury of the United States for amounts so received or recovered. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out titles II, VIII, and XVI.

''(B) Subparagraph (A) shall not apply with respect to amounts received in connection with misuse by a representative payee (within the meaning of sections 205(j), 807, and 1631(a)(2)) of funds paid as benefits under title II, VIII, or XVI. Such amounts received in connection with misuse of funds paid as benefits under title II shall be transferred to the Managing Trustee of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and such amounts shall be deposited by the Managing Trustee into such Trust Fund. All other such amounts shall be deposited by the Commissioner into the general fund of the Treasury as miscellaneous receipts.''.

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to violations occurring on or after the date of the enactment of this Act.

TITLE III—ATTORNEY FEE PAYMENT SYSTEM IMPROVEMENTS

SEC. 301. CAP ON ATTORNEY ASSESSMENTS.

(a) IN GENERAL.—Section 206(d)(2)(A) of the Social Security Act (42 U.S.C. 406(d)(2)(A)) is amended—

(1) by inserting '', except that the maximum amount of the assessment may not exceed the greater of $75 or the adjusted amount as provided pursuant to the following two sentences'' after ''subparagraph (B)''; and

(2) by adding at the end the following new sentence: ''In the case of any calendar year beginning after the amendments made by section 301 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 206 of the Social Security Act on or after the first day of the first month that begins after 180 days after the date of the enactment of this Act.

SEC. 302. EXTENSION OF ATTORNEY FEE PAYMENT SYSTEM TO TITLE XVI CLAIMS.

(a) IN GENERAL.—Section 1631(d)(2) of the Social Security Act (42 U.S.C. 1383(d)(2)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by striking ''section 206(a)'' and inserting ''section 206'';

(B) by striking ''(other than paragraph (4) thereof)'' and inserting ''(other than subsections (a)(4) and (d) thereof)''; and

(C) by striking ''paragraph (2) thereof'' and inserting ''such section'';

(2) in subparagraph (A)(i), by striking ''in subparagraphs (A)(ii)(I) and (C)(i),'' and inserting ''in subparagraphs (A)(ii)(I) and (D)(i) of subsection (a)(2)'', and by striking ''and'' at the end;

(3) by striking subparagraph (A)(ii) and inserting the following:

''(ii) by substituting, in subsections (a)(2)(B) and (b)(1)(B)(i), the phrase 'section 1631(a)(7)(A) or the requirements of due process of law' for the phrase 'subsection (g) or (h) of section 223';

''(iii) by substituting, in subsection (a)(2)(C)(i), the phrase 'under title II' for the phrase 'under title XVI';

''(iv) by substituting, in subsection (b)(1)(A), the phrase 'pay the amount of such fee' for the phrase 'certify the amount of such fee for payment' and by striking, in subsection (b)(1)(A), the phrase 'or certified for payment'; and

''(v) by substituting, in subsection (b)(1)(B)(ii), the phrase 'deemed to be such amounts as determined before any applicable reduction under section 1631(g), and reduced by the amount of any reduction in benefits under this title or title II made pursuant to section 1127(a)' for the phrase 'determined before any applicable reduction under section 1127(a))'.''; and

(4) by striking subparagraph (B) and inserting the following new subparagraphs:

''(B) Subject to subparagraph (C), if the claimant is determined to be entitled to past-due benefits under this title and the person representing the claimant is an attorney, the Commissioner of Social Security shall pay out of such past-due benefits to such attorney an amount equal to the lesser of—

''(i) so much of the maximum fee as does not exceed 25 percent of such past-due benefits (as determined before any applicable reduction under section 1631(g) and reduced by the amount of any reduction in benefits under this title or title II pursuant to section 1127(a)), or

''(ii) the amount of past-due benefits available after any applicable reductions under sections 1631(g) and 1127(a).

''(C)(i) Whenever a fee for services is required to be paid to an attorney from a claimant's past-due benefits pursuant to subparagraph (B), the Commissioner shall impose on the attorney an assessment calculated in accordance with clause (ii).

''(ii)(I) The amount of an assessment under clause (i) shall be equal to the product obtained by multiplying the amount of the representative's fee that would be required to be paid by subparagraph (B) before the application of this subparagraph, by the percentage specified in subclause (II), except that the maximum amount of the assessment may not exceed $75. In the case of any calendar year beginning after the amendments made by section 302 of the Social Security Protection Act of 2003 take effect, the dollar amount specified in the preceding sentence (including a previously adjusted amount) shall be adjusted annually under the procedures used to adjust benefit amounts under section 215(i)(2)(A)(ii), except such adjustment shall be based on the higher of $75 or the previously adjusted amount that would have been in effect for December of the preceding year, but for the rounding of such amount pursuant to the following sentence. Any amount so adjusted that is not a multiple of $1 shall be rounded to the next lowest multiple of $1, but in no case less than $75.

''(II) The percentage specified in this subclause is such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and approving fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

''(iii) The Commissioner may collect the assessment imposed on an attorney under clause (i) by offset from the amount of the fee otherwise required by subparagraph (B) to be paid to the attorney from a claimant's past-due benefits.

''(iv) An attorney subject to an assessment under clause (i) may not, directly or indirectly, request or otherwise obtain reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

''(v) Assessments on attorneys collected under this subparagraph shall be deposited in the Treasury in a separate fund created for this purpose.

''(vi) The assessments authorized under this subparagraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated

are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to fees for representation of claimants which are first required to be certified or paid under section 1631(d)(2) of the Social Security Act on or after the first day of the first month that begins after 270 days after the date of the enactment of this Act.

(2) SUNSET.—Such amendments shall not apply with respect to fees for representation of claimants in the case of any claim for benefits with respect to which the agreement for representation is entered into after 5 years after the date on which the Commissioner of Social Security first implements the amendments made by this section.

(c) STUDY REGARDING FEE-WITHHOLDING FOR NON-ATTORNEY REPRESENTATIVES.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study regarding fee-withholding for non-attorney representatives representing claimants before the Social Security Administration.

(2) MATTERS TO BE STUDIED.—In conducting the study under this subsection, the Comptroller General shall—

(A) compare the non-attorney representatives who seek fee approval for representing claimants before the Social Security Administration to attorney representatives who seek such fee approval, with regard to—

(i) their training, qualifications, and competency,

(ii) the type and quality of services provided, and

(iii) the extent to which claimants are protected through oversight of such representatives by the Social Security Administration or other organizations, and

(B) consider the potential results of extending to non-attorney representatives the fee withholding procedures that apply under titles II and XVI of the Social Security Act for the payment of attorney fees, including the effect on claimants and program administration.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the results of the Comptroller General's study conducted pursuant to this subsection.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

SEC. 401. APPLICATION OF DEMONSTRATION AUTHORITY SUNSET DATE TO NEW PROJECTS.

Section 234 of the Social Security Act (42 U.S.C. 434) is amended—

(1) in the first sentence of subsection (c), by striking ''conducted under subsection (a)'' and inserting ''initiated under subsection (a) on or before December 17, 2004''; and

(2) in subsection (d)(2), by amending the first sentence to read as follows: ''The authority to initiate projects under the preceding provisions of this section shall terminate on December 18, 2004.''.

SEC. 402. EXPANSION OF WAIVER AUTHORITY AVAILABLE IN CONNECTION WITH DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(c) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended by striking ''(42 U.S.C. 401 et seq.),'' and inserting ''(42 U.S.C. 401 et seq.) and the requirements of section 1148 of such Act (42 U.S.C. 1320b–19) as they relate to the program established under title II of such Act,''.

SEC. 403. FUNDING OF DEMONSTRATION PROJECTS PROVIDED FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.

Section 302(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 434 note) is amended to read as follows:

''(f) EXPENDITURES.—Administrative expenses for demonstration projects under this section shall be paid from funds available for the administration of title II or XVIII of the Social Security Act, as appropriate. Benefits payable to or on behalf of individuals by reason of participation in projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, from funds available for benefits under such title II or XVIII.''.

SEC. 404. AVAILABILITY OF FEDERAL AND STATE WORK INCENTIVE SERVICES TO ADDITIONAL INDIVIDUALS.

(a) FEDERAL WORK INCENTIVES OUTREACH PROGRAM.—

(1) IN GENERAL.—Section 1149(c)(2) of the Social Security Act (42 U.S.C. 1320b–20(c)(2)) is amended to read as follows:

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

''(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

''(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

''(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

''(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to grants, cooperative agreements, or contracts entered into on or after the date of the enactment of this Act.

(b) STATE GRANTS FOR WORK INCENTIVES ASSISTANCE.—

(1) DEFINITION OF DISABLED BENEFICIARY.—Section 1150(g)(2) of such Act (42 U.S.C. 1320b–21(g)(2)) is amended to read as follows:

''(2) DISABLED BENEFICIARY.—The term 'disabled beneficiary' means an individual—

''(A) who is a disabled beneficiary as defined in section 1148(k)(2) of this Act;

''(B) who is receiving a cash payment described in section 1616(a) of this Act or a supplementary payment described in section 212(a)(3) of Public Law 93–66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1616(a) of this Act or under section 212(b) of Public Law 93–66);

''(C) who, pursuant to section 1619(b) of this Act, is considered to be receiving benefits under title XVI of this Act; or

''(D) who is entitled to benefits under part A of title XVIII of this Act by reason of the penultimate sentence of section 226(b) of this Act.''.

(2) ADVOCACY OR OTHER SERVICES NEEDED TO MAINTAIN GAINFUL EMPLOYMENT.—Section 1150(b)(2) of such Act (42 U.S.C. 1320b–21(b)(2)) is amended by striking ''secure or regain'' and inserting ''secure, maintain, or regain''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to payments provided after the date of the enactment of this Act.

SEC. 405. TECHNICAL AMENDMENT CLARIFYING TREATMENT FOR CERTAIN PURPOSES OF INDIVIDUAL WORK PLANS UNDER THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.

(a) IN GENERAL.—Section 1148(g)(1) of the Social Security Act (42 U.S.C. 1320b–19) is amended by adding at the end, after and below subparagraph (E), the following new sentence:

''An individual work plan established pursuant to this subsection shall be treated, for purposes of section 51(d)(6)(B)(i) of the Internal Revenue Code of 1986, as an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 505 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1921).

Subtitle B—Miscellaneous Amendments

SEC. 411. ELIMINATION OF TRANSCRIPT REQUIREMENT IN REMAND CASES FULLY FAVORABLE TO THE CLAIMANT.

(a) IN GENERAL.—Section 205(g) of the Social Security Act (42 U.S.C. 405(g)) is amended in the sixth sentence by striking ''and a transcript'' and inserting ''and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to final determinations issued (upon remand) on or after the date of the enactment of this Act.

SEC. 412. NONPAYMENT OF BENEFITS UPON REMOVAL FROM THE UNITED STATES.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 202(n) of the Social Security Act (42 U.S.C. 402(n)(1), (2)) are each amended by striking ''or (1)(E)''.

(b) EFFECTIVE DATE.—The amendment made by this section to section 202(n)(1) of the Social Security Act shall apply to individuals with respect to whom the Commissioner of Social Security receives a removal notice from the Attorney General after the date of the enactment of this Act. The amendment made by this section to section 202(n)(2) of the Social Security Act shall apply with respect to removals occurring after the date of the enactment of this Act.

SEC. 413. REINSTATEMENT OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1)(A) Section 201(c)(2) of the Social Security Act (42 U.S.C. 401(c)(2)).

(B) Section 1817(b)(2) of the Social Security Act (42 U.S.C. 1395i(b)(2)).

(C) Section 1841(b)(2) of the Social Security Act (42 U.S.C. 1395t(b)(2)).

(2)(A) Section 221(c)(3)(C) of the Social Security Act (42 U.S.C. 421(c)(3)(C)).

(B) Section 221(i)(3) of the Social Security Act (42 U.S.C. 421(i)(3)).

SEC. 414. CLARIFICATION OF DEFINITIONS REGARDING CERTAIN SURVIVOR BENEFITS.

(a) WIDOWS.—Section 216(c) of the Social Security Act (42 U.S.C. 416(c)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting ''except as provided in paragraph (2),'' before ''she was married'';

(4) by inserting ''(1)'' after ''(c)''; and

(5) by adding at the end the following new paragraph:

''(2) The requirements of paragraph (1)(E) in connection with the surviving wife of an individual shall be treated as satisfied if—

''(A) the individual had been married prior to the individual's marriage to the surviving wife,

''(B) the prior wife was institutionalized during the individual's marriage to the prior wife due to mental incompetence or similar incapacity,

''(C) during the period of the prior wife's institutionalization, the individual would have divorced the prior wife and married the surviving wife, but the individual did not do so because such divorce would have been unlawful, by reason of the prior wife's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

''(D) the prior wife continued to remain institutionalized up to the time of her death, and

''(E) the individual married the surviving wife within 60 days after the prior wife's death.''.

(b) WIDOWERS.—Section 216(g) of such Act (42 U.S.C. 416(g)) is amended—

(1) by redesignating subclauses (A) through (C) of clause (6) as subclauses (i) through (iii), respectively;

(2) by redesignating clauses (1) through (6) as clauses (A) through (F), respectively;

(3) in clause (E) (as redesignated), by inserting ''except as provided in paragraph (2),'' before ''he was married'';

(4) by inserting ''(1)'' after ''(g)''; and

(5) by adding at the end the following new paragraph:

''(2) The requirements of paragraph (1)(E) in connection with the surviving husband of an individual shall be treated as satisfied if—

''(A) the individual had been married prior to the individual's marriage to the surviving husband,

''(B) the prior husband was institutionalized during the individual's marriage to the prior husband due to mental incompetence or similar incapacity,

''(C) during the period of the prior husband's institutionalization, the individual would have divorced the prior husband and married the surviving husband, but the individual did not do so because such divorce would have been unlawful, by reason of the prior husband's institutionalization, under the laws of the State in which the individual was domiciled at the time (as determined based on evidence satisfactory to the Commissioner of Social Security),

''(D) the prior husband continued to remain institutionalized up to the time of his death, and

''(E) the individual married the surviving husband within 60 days after the prior husband's death.''.

(c) CONFORMING AMENDMENT.—Section 216(k) of such Act (42 U.S.C. 416(k)) is amended by striking ''clause (5) of subsection (c) or clause (5) of subsection (g)'' and inserting ''clause (E) of subsection (c)(1) or clause (E) of subsection (g)(1)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to applications for benefits under title II of the Social Security Act filed during months ending after the date of the enactment of this Act.

SEC. 415. CLARIFICATION RESPECTING THE FICA AND SECA TAX EXEMPTIONS FOR AN INDIVIDUAL WHOSE EARNINGS ARE SUBJECT TO THE LAWS OF A TOTALIZATION AGREEMENT PARTNER.

Sections 1401(c), 3101(c), and 3111(c) of the Internal Revenue Code of 1986 are each amended by striking ''to taxes or contributions for similar purposes under'' and inserting ''exclusively to the laws applicable to''.

SEC. 416. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY.

(a) IN GENERAL.—Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting ''Kentucky,'' after ''Illinois,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2003.

SEC. 417. COMPENSATION FOR THE SOCIAL SECURITY ADVISORY BOARD.

(a) IN GENERAL.—Subsection (f) of section 703 of the Social Security Act (42 U.S.C. 903(f)) is amended to read as follows:

''Compensation, Expenses, and Per Diem

''(f) A member of the Board shall, for each day (including traveltime) during which the member is attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be compensated at the daily rate of basic pay for level IV of the Executive Schedule. While serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of January 1, 2003.

SEC. 418. 60-MONTH PERIOD OF EMPLOYMENT REQUIREMENT FOR APPLICATION OF GOVERNMENT PENSION OFFSET EXEMPTION.

(a) WIFE'S INSURANCE BENEFITS.—Section 202(b)(4)(A) of the Social Security Act (42 U.S.C. 402(b)(4)(A)) is amended by striking ''if, on'' and inserting ''if, during any portion of the last 60 months of such service ending with''.

(b) HUSBAND'S INSURANCE BENEFITS.—Section 202(c)(2)(A) of such Act (42 U.S.C. 402(c)(2)(A)) is amended by striking ''if, on'' and inserting ''if, during any portion of the last 60 months of such service ending with''.

(c) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(7)(A) of such Act (42 U.S.C. 402(e)(7)(A)) is amended by striking ''if, on'' and inserting ''if, during any portion of the last 60 months of such service ending with''.

(d) WIDOWER'S INSURANCE BENEFITS.—Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking ''if, on'' and inserting ''if, during any portion of the last 60 months of such service ending with''.

(e) MOTHER'S AND FATHER'S INSURANCE BENEFITS.—Section 202(g)(4)(A) of the such Act (42 U.S.C. 402(g)(4)(A)) is amended by striking ''if, on'' and inserting '''if, during any portion of the last 60 months of such service ending with''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to applications for benefits under title II of the Social Security Act filed on or after the first day of the first month that begins after the date of the enactment of this Act, except that such amendments shall not apply in connection with monthly periodic benefits of any individual based on earnings while in service described in section 202(b)(4)(A), 202(c)(2)(A), 202(e)(7)(A), or 202(f)(2)(A) of the Social Security Act (in the matter preceding clause (i) thereof)—

(1) if the last day of such service occurs before the end of the 90-day period following the date of the enactment of this Act, or

(2) in any case in which the last day of such service occurs after the end of such 90-day period, such individual performed such service during such 90-day period which constituted ''employment'' as defined in section 210 of such Act, and all such service subsequently performed by such individual has constituted such ''employment''.

Subtitle C—Technical Amendments

SEC. 421. TECHNICAL CORRECTION RELATING TO RESPONSIBLE AGENCY HEAD.

Section 1143 of the Social Security Act (42 U.S.C. 1320b–13) is amended—

(1) by striking ''Secretary'' the first place it appears and inserting ''Commissioner of Social Security''; and

(2) by striking ''Secretary'' each subsequent place it appears and inserting ''Commissioner''.

SEC. 422. TECHNICAL CORRECTION RELATING TO RETIREMENT BENEFITS OF MINISTERS.

(a) IN GENERAL.—Section 211(a)(7) of the Social Security Act (42 U.S.C. 411(a)(7)) is amended by inserting '', but shall not include in any such net earnings from self-employment the rental value of any parsonage or any parsonage allowance (whether or not excluded under section 107 of the Internal Revenue Code of 1986) provided after the individual retires, or any other retirement benefit received by such individual from a church plan (as defined in section 414(e) of such Code) after the individual retires'' before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning before, on, or after December 31, 1994.

SEC. 423. TECHNICAL CORRECTIONS RELATING TO DOMESTIC EMPLOYMENT.

(a) AMENDMENT TO INTERNAL REVENUE CODE.—Section 3121(a)(7)(B) of the Internal Revenue Code of 1986 is amended by striking ''described in subsection (g)(5)'' and inserting ''on a farm operated for profit''.

(b) AMENDMENT TO SOCIAL SECURITY ACT.—Section 209(a)(6)(B) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended by striking ''described in section 210(f)(5)'' and inserting ''on a farm operated for profit''.

(c) CONFORMING AMENDMENT.—Section 3121(g)(5) of such Code and section 210(f)(5) of such Act (42 U.S.C. 410(f)(5)) are amended by striking ''or is domestic service in a private home of the employer''.

SEC. 424. TECHNICAL CORRECTIONS OF OUTDATED REFERENCES.

(a) CORRECTION OF TERMINOLOGY AND CITATIONS RESPECTING REMOVAL FROM THE UNITED STATES.—Section 202(n) of the Social Security Act (42 U.S.C. 402(n)) (as amended by section 412) is amended further—

(1) by striking ''deportation'' each place it appears and inserting ''removal'';

(2) by striking ''deported'' each place it appears and inserting ''removed'';

(3) in paragraph (1) (in the matter preceding subparagraph (A)), by striking ''under section 241(a) (other than under paragraph (1)(C) thereof)'' and inserting ''under section 237(a) (other than paragraph (1)(C) thereof) or 212(a)(6)(A)'';

(4) in paragraph (2), by striking ''under any of the paragraphs of section 241(a) of the Immigration and Nationality Act (other than under paragraph (1)(C) thereof)'' and inserting ''under any of the paragraphs of section 237(a) of the Immigration and Nationality Act (other than paragraph (1)(C) thereof) or under section 212(a)(6)(A) of such Act'';

(5) in paragraph (3)—

(A) by striking ''paragraph (19) of section 241(a)'' and inserting ''subparagraph (D) of section 237(a)(4)''; and

(B) by striking ''paragraph (19)'' and inserting ''subparagraph (D)''; and

(6) in the heading, by striking ''Deportation'' and inserting ''Removal''.

(b) CORRECTION OF CITATION RESPECTING THE TAX DEDUCTION RELATING TO HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—Section 211(a)(15) of such Act (42 U.S.C. 411(a)(15)) is amended by striking ''section 162(m)'' and inserting ''section 162(l)''.

(c) ELIMINATION OF REFERENCE TO OBSOLETE 20-DAY AGRICULTURAL WORK TEST.—Section 3102(a) of the Internal Revenue Code of 1986 is amended by striking ''and the employee has not performed agricultural labor for the employer on 20 days or more in the calendar year for cash remuneration computed on a time basis''.

SEC. 425. TECHNICAL CORRECTION RESPECTING SELF-EMPLOYMENT INCOME IN COMMUNITY PROPERTY STATES.

(a) SOCIAL SECURITY ACT AMENDMENT.—Section 211(a)(5)(A) of the Social Security Act (42 U.S.C. 411(a)(5)(A)) is amended by striking ''all of the gross income'' and all that follows and inserting ''the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions;''.

(b) INTERNAL REVENUE CODE OF 1986 AMENDMENT.—Section 1402(a)(5)(A) of the Internal Revenue Code of 1986 is amended by striking ''all of the gross income'' and all that follows and inserting ''the gross income and deductions attributable to such trade or business shall be treated as the gross income and deductions of the spouse carrying on such trade or business or, if such trade or business is jointly operated, treated as the gross income and deductions of each spouse on the basis of their respective distributive share of the gross income and deductions; and''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Social Security, as everyone in this Chamber knows, touches the lives of virtually every American and serves as a vital safety net for those who retire, become disabled or die. Nearly $500 billion in Social Security and supplemental security income benefits were paid last year to about 50 million retired and disabled workers their families and SSI recipients. These costs represent close to one-fourth of all Federal outlays last year. More importantly, as baby boomers approach retirement age, Social Security's and SSI's combined benefit outlays are expected to double by the time children born this year finish high school. Programs as important, as comprehensive as these require our constant vigilance. We must act today to address inadequate protections for beneficiaries and the programs in order to avoid potentially tragic consequences in the future.

This is why I urge all Members to support the Social Security Protection Act of 2003. This is a bipartisan bill introduced earlier this month by myself and the gentleman from California (Mr. MATSUI) along with other Members of Congress. The Protection Act will give the Social Security Administration the additional tools needed to fight activities that drain resources from Social Security and undermine the financial security of beneficiaries.

First, this bill protects the one in eight Social Security and SSI beneficiaries who cannot, for physical or mental reasons, handle their own funds. For these persons, the Social Security Administration appoints an individual or organization called a representative payee to manage their benefits. While most representative payees are conscientious and they are honest, some violate the trust placed in them.

The Social Security Inspector General reported that in the late 1990's over 2,400 representative payees missed about $12 million in benefits. This bill raises the standard for persons and organizations serving as representative payees and imposes stricter regulation and monetary penalties on those who mismanage benefits.

Second, this bill picks up where legislation enacted in 1996 let off in ending benefit payments to those who committed crimes. That legislation denied SSI benefits to fugitive felons. However, these criminals are still allowed to receive Social Security benefits. The Congressional Budget Office estimates that they will pay $526 million out of the Social Security trust fund to these law-breakers over the next 10 years. This is not right, and this legislation denies them these benefits.

The Protection Act also provides tools to further safeguard Social Security programs. Our goals are to help shield Social Security employees from harm while conducting their duties, expanding the Inspector General's ability to stop perpetrators of fraud through new civil monetary penalties, and prevent people from misrepresenting themselves as they provide Social Security-related services.

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On top of this, the bill helps individuals with disabilities by, one, making it easier for them to obtain legal representation while applying for benefits by improving the attorney fee withholding process; two, enhancing provisions of the Ticket to Work Program; and, three, encouraging more employers to hire individuals with disabilities by expanding eligibility for the Work Opportunity Tax Credit.

Finally, the bill contains several provisions aimed at correcting inequities in the law regarding benefit coverage and receipt, as well as making technical corrections to the law.

It is our and the agency's duty to protect Social Security programs and the beneficiaries. This bill is the accumulation of bipartisan efforts towards that, and as well as the cooperation and support of the Social Security Administration and the Social Security Inspector General. That is why the 107th Congress's version of the bill, the Social Security Protection Act of 2002, passed this House by an overwhelming bipartisan support of 425 to 0 and passed the Senate as amended under unanimous consent.

I urge the Members today to finish the good work begun in the 107th Congress and vote in favor of the Social Security Protection Act. We must enact these changes quickly to protect the most vulnerable beneficiaries and to stop Social Security from hemorrhaging precious dollars through fraud and benefit misuse.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, first of all, I wish to commend the Chair of the Subcommittee on Social Security, the gentleman from Florida (Mr. SHAW), for the bipartisanship in which we were able to put this legislation together. As many know, and as the gentleman from Florida (Mr. SHAW) mentioned, we passed this bill last year, in the last Congress, but unfortunately, it was dropped during the waning hours of the joint House-Senate conference committees in the month of October. So now we are bringing the bill back.

It essentially has four parts to it. We added one provision which has become somewhat controversial. As the gentleman from Florida (Mr. SHAW) says, it has strengthening of the representative pay provisions of the law. Obviously, when someone is mentally disabled or one is a child, one needs a representative payee. This bill strengthens that law to protect the recipient, the beneficiary.

Second, it provides anti-fraud provisions in the legislation, including denying benefits to fugitive felons and also those who have violated their parole.

Thirdly, it provides for SSI recipients more of the advantages of having a lawyer or others represent that person as they are going through the administrative process, essentially by creating the same kind of withholding of benefits by the attorney or other representative of the claimant as we currently have in the Social Security System. So SSI beneficiaries will have the same kind of rights as the Social Security recipients. And, in addition, it caps attorneys' fees, the processing fees, to $75. So it will make it much easier for people to actually go through the administrative procedures.

It has 18 technical provisions in the legislation, or in the bill last year. The one area in which we have added to it is it closes a loophole in which some have attempted to get around the GPO, the government pension offset provisions that are currently in the law. The gentleman from Florida (Mr. SHAW) has indicated to me and to others that he intends to have hearings on the whole

issue of the government pension offset issue. And as a result of that, I am very satisfied with this legislation.

As I indicated, Mr. Speaker, many of my colleagues have problems with it on my side of the aisle. They intend to speak on this issue today. I would urge a ''yes'' vote on it, but I certainly can understand some of those that might have some differences of opinion on that one provision.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I insert for the RECORD two documents. The first is bipartisan summary report language, including a detailed summary of current law and an explanation of each provision and the reasons for the change. The second is a list of organizations, including AARP, that provided letters of support for this bill, with those letters attached.

''THE SOCIAL SECURITY PROTECTION ACT OF 2003'' SUMMARY

TITLE I—PROTECTION OF BENEFICIARIES

Subtitle A—Representative Payees

Section 101. Authority to Reissue Benefits Misused by Organizational Representative Payees

PRESENT LAW

The Social Security Act requires the reissuance of benefits miscued by any representative payee when the Commissioner finds that the Social Security Administration (SSA) negligently failed to investigate and monitor the payee.

EXPLANATION OF PROVISION

In addition to cases where the SSA negligently failed to investigate and monitor the payee, the provision also requires the Commissioner to re-issue benefits under Titles II, VIII and XVI in any case in which a beneficiary's funds are misused by a representative payee that is not an individual (regardless of whether it is a qualified organization such as a state/local agency or a community nonprofit social service agency) or an individual payee representing 15 or more beneficiaries.

The new provision defines misuse as any case in which a representative payee converts the benefits entrusted to his or her care for purposes other than the ''use and benefit'' of the beneficiary, and authorizes the Commissioner to define ''use and benefit'' in regulation.

In crafting a regulatory definition for ''use and benefit,'' the Commissioner should take special care to distinguish between the situation in which the representative payee violates his or her responsibility by converting the benefits to further the payee's own self interest, and the situation in which the payee faithfully serves the beneficiary by using the benefits in a way that principally aids the beneficiary but which also incidentally aids the payee or another individual. For instance, cases in which a representative payee uses the benefits entrusted to his or her care to help pay the rent on an apartment that he or she and the beneficiary share should not be considered misuse.

The effective date applies to any cases of benefit misuse by a representative payee with respect to which the Commissioner makes the determination of misuse on or after January 1, 1995. This protects the interests of beneficiaries affected by cases of egregious misuse that have been identified in recent years.

REASON FOR CHANGE

There have been a number of highly publicized cases involving organizational representative payees that have misused large sums of monies paid to them on behalf of the Social Security and Supplemental Security Income (SSI) beneficiaries they represented. In most instances, these organizations operated as criminal enterprises, bent not only on stealing funds from beneficiaries, but also on carefully concealing the evidence of their wrongdoing. These illegal activities went undetected until large sums had been stolen. If the Social Security Administration is not shown to be negligent for failing to investigate and monitor the payee, affected beneficiaries may never be repaid or may be repaid only when the representative payee committing misuse makes restitution to the SSA.

Requiring the SSA to reissue benefit payments to the victims of misuse in these cases protects beneficiaries who are among the most vulnerable, because they may have no family members or friends who are willing or able to manage their benefits for them. These are cases in which misuse of benefits may be the hardest to detect. Moreover, extending the provision to cases involving individual payees serving fewer beneficiaries may lead to fraudulent claims of misuse. These claims, which often turn on information available only from close family members, would be difficult to assess. Similarly, extension of this provision to these cases could potentially encourage misuse or poor money management by these individual representative payees, if they believe the SSA could eventually pay the beneficiary a second time.

Section 102. Oversight of Representative Payees

PRESENT LAW

Present law requires community-based nonprofit social service serving as representative payees to be licensed or bonded. Payees are not required to submit proof of bonding or licensing, and they are not subject to independent audits. In addition, there is no provision requiring periodic onsite reviews of organizational payees (other than the accountability monitoring done for State institutions that serve as representative payees).

EXPLANATION OF PROVISION

The new provision requires community-based nonprofit social service agencies serving as representative payees to be both bonded and licensed (provided that licensing is available in the State). In addition, such representative payees must submit yearly proof of bonding and licensing, as well as copies of any independent audits that were performed on the payee since the previous certification.

The new provision also requires the Commissioner of Social Security to conduct periodic onsite reviews of: (1) a person who serves as a representative payee to 15 or more beneficiaries; (2) community-based nonprofit social service agencies serving as representative payees; and (3) any agency that serves as the representative payee to 50 or more beneficiaries. In addition, the Commissioner is required to submit an annual report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the reviews conducted in the prior fiscal year.

The bonding, licensing, and audit provisions are effective on the first day of the 13th month following enactment of the legislation. The periodic on-site review provision is effective upon enactment.

REASON FOR CHANGE

Strenthening the bonding and licensing requirements for community-based nonprofit social service agencies would add further safeguards to protect beneficiaries' funds. State licensing provides for some oversight by the State into the organization's business practices, and bonding provides some assurances that a surety company has investigated the organization and approved it for the level of risk associated with the bond. Requiring annual certification as to the licensing and bonding of the payee, as well as submission of audits performed, should help prevent a payee from dropping their licensing or bonding subsequent to the SSA approving them as payee.

On-site periodic visits should be conducted regularly to reduce misuse of funds. To the degree possible, appropriate auditing and accounting standards should be utilized in conducting such reviews.

Section 103. Disqualification from Service as Representative Payee of Persons Convicted of Offenses Resulting in Imprisonment for More Than One Year, or Fleeing Prosecution, Custody or Confinement.

PRESENT LAW

Sections 205, 807, and 1631 of the Social Security Act disqualify individuals from being representative payees if they have been convicted of fraudulent conduct involving Social Security programs.

EXPLANATION OF PROVISION

The new provision expands the scope of disqualification to prohibit an individual from serving as a representative payee if he or she has been convicted of an offense resulting in imprisonment for more than one year, unless the Commissioner determines that payee status would be appropriate despite the conviction. It also disqualifies persons fleeing prosecution, custody, or confinement for a felony from being representative payees. Finally, the Commissioner shall assist law enforcement officials in apprehending such persons by providing them with the address, Social Security number, photograph, or other identifying information.

The new provision requires the Commissioner, in consultation with the SSA Inspector General, to submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate evaluating existing procedures and reviews conducted for representative payees to determine whether they are sufficient to protect benefits from being misused.

This provision is effective on the first day of the 13th month beginning after the date of enactment, except that the report to Congress is due no later than 270 days after the date of enactment.

REASON FOR CHANGE

Prohibiting persons convicted of offenses resulting in imprisonment for more than one year and persons fleeing prosecution, custody or confinement for a felony from serving as representative payees decreases the likelihood of mismanagement or abuse of beneficiaries' funds. Also, allowing such persons to serve as representative payees could raise serious questions about the SSA's stewardship of taxpayer funds. The agency's report will assist Congress in its oversight of the representative payee program.

Section 104. Fee Forfeiture in Case of Benefit Misuse by Representative Payees

PRESENT LAW

Certain qualified organizations are authorized to collect a fee for their services. The fee, which is determined by a statutory formula, is deducted from the beneficiary's benefit payments.

EXPLANATION OF PROVISION

The new provision requires representative payees to forfeit the fee for those months during which the representative payee misused funds, as determined by the Commissioner of Social Security or a court of competent jurisdiction. This provision applies to

any month involving benefit misuse by a representative payee as determined by the Commissioner or a court of competent jurisdiction after 180 days after the date of enactment.

REASON FOR CHANGE

Payees who misuse their clients' funds are not properly performing the service for which the fee was paid; therefore, they should forfeit such fees. Permitting the payee to retain the fees is tantamount to rewarding the payee for violating his or her responsibility to use the benefits for the individual's needs.

Section 105. Liability of Representative Payees for Misused Benefits

PRESENT LAW

Although the SSA has been provided with expanded authority to recover overpayments (such as the use of tax refund offsets, referral to contact collection agencies, notification of credit bureaus, and administrative offsets of future federal benefit payments), these tools cannot be used to recoup benefits misused by a representative payee.

EXPLANATION OF PROVISION

The new provision treats benefits misused by any representative payee (except a federal, state or local government agency) as an overpayment to the representative payee, thus subjecting the representative payee to current overpayment recovery authorities. Any recovered benefits not already reissued to the beneficiary pursuant to section 101 of this legislation would be reissued to either the beneficiary or their alternate representative payee, up to the total amount misused. This provision applies to benefit misuse by a representative payee in any case where the Commissioner of Social Security or a court of competent jurisdiction makes a determination of misuse after 180 days after the date of enactment.

REASON FOR CHANGE

Although the SSA has been provided with expanded authority to recover overpayments, these tools cannot be used to recoup benefits misused by a representative payee. Treating misused benefits as overpayments to the representative payee would provide the SSA with additional means for recovering misused payments.

Section 106. Authority to Redirect Delivery of Benefit Payments When a Representative Payee Fails to Provide Required Accounting

PRESENT LAW

The Social Security Act requires representative payees to submit accounting reports to the Commissioner of Social Security regarding how a beneficiary's benefit payments were used. A report is required at least annually, but may be required by the Commissioner at any time if the Commissioner has reason to believe the representative payee is misusing benefits.

EXPLANATION OF PROVISION

The new provision authorizes the Commissioner of Social Security to require a representative payee to receive any benefits under Titles II, VIII, and XVI in person at a Social Security field office if the representative payee fails to provide a required accounting of benefits. The Commissioner would be required to provide proper notice and the opportunity for a hearing prior to redirecting benefits to the field office. This provision is effective 180 days after the date of enactment.

REASON FOR CHANGE

Accounting reports are an important means of monitoring the activities of representative payees to prevent misuse of benefits. Redirecting benefit payments to the field office would enable the agency to promptly address the failure of the representative payee to file a report.

Subtitle B—Enforcement

Section 111. Civil Monetary Penalty Authority with Respect to Wrongful Conversions by Representative Payees

PRESENT LAW

Section 1129 of the Social Security Act authorizes the Commissioner to impose a civil monetary penalty (of up to $5,000 for each violation) along with an assessment (up to twice the amount wrongly paid), upon any person who knowingly uses false information or knowingly omits information to wrongly obtain Title II, VIII or XVI benefits.

EXPLANATION OF PROVISION

The new provision expands civil monetary penalties authority under section 1129 to include misuse of Title II, VIII or XVI benefits by representative payees. A civil monetary penalty of up to $5,000 may be imposed for each violation, along with an assessment of up to twice the amount of misused benefits. This provision applies to violations committed after the date of enactment.

REASON FOR CHANGE

Providing authority for SSA to impose civil monetary penalties along with an assessment of up to twice the amount of misused benefits would provide the SSA with an additional means to address benefit misuse by representative payees.

TITLE II—PROGRAM PROTECTIONS

Section 201. Civil Monetary Penalty Authority with Respect to Knowing Withholding of Material Facts

PRESENT LAW

Section 1129 of the Social Security Act, 42 U.S.C. §1320a–8, authorizes the Commissioner of Social Security to impose civil monetary penalties and assessments on any person who makes a statement or representation of a material fact for use in determining initial or continuing rights to title II, VIII, or XVI benefits that the person knows or should know omits a material fact or is false or misleading. In order for the penalty or assessment to be imposed, the law requires an affirmative act on the part of the individual of making (or causing to be made) a statement that omits a material fact or is false or misleading.

Section 1129A, 42 U.S.C. 1320a–8a, provides administrative procedures for imposing penalties of nonpayment of title II and XVI benefits (6 months for the first violation) for making false statements.

EXPLANATION OF PROVISION

By including the phrase ''or otherwise withholds disclosure of'', in section 1129 and 1129A, civil monetary penalties and assessments and sanctions could also be imposed for failure to come forward and notify the SSA of changed circumstances that affect eligibility or benefit amount when that person knows or should know that the failure to come forward is misleading. This provision applies to violations committed after the date on which the Commissioner implements the centralized computer file described in section 202.

REASON FOR CHANGE

Currently the SSA cannot impose civil monetary penalties and assessments on a person who should have come forward to notify the SSA of changed circumstances that affect eligibility or benefit amount, but did not. To be subject to civil monetary penalties and assessments under the current law, an individual must have made a statement that omitted a material fact or was false or misleading. Examples of the types of individuals intended to be covered under this amendment to section 1129 and 1129A include (but are not limited to): (1) an individual who has a joint bank account with a beneficiary in which the SSA direct deposited the beneficiary's Social Security checks; upon the death of the beneficiary, this individual fails to advise the SSA of the beneficiary's death, instead spending the proceeds from the deceased beneficiary's Social Security checks; and (2) an individual who is receiving benefits under one SSN while working under another SSN.

This amendment is intended to close this loophole in the current law, but it is not intended to expand section 1129 and 1129A to include those individuals whose failure to come forward to notify the SSA was not done for the purpose of improperly obtaining or continuing to receive benefits. For instance, it is not intended that the expanded authority be used against individuals who do not have the capacity to understand that their failure to come forward is misleading.

Section 202. Issuance by Commissioner of Social Security of Receipts to Acknowledge Submission of Reports of Changes in Work or Earnings Status of Disabled Beneficiaries

PRESENT LAW

Changes in work or earnings status can affect a Title II disability beneficiary's right to continued entitlement to disability benefits. Changes in the amount of earned income can also affect an SSI recipient's continued eligibility for SSI benefits or his or her monthly benefit amount.

The Commissioner has promulgated regulations that require Title II disability beneficiaries to report changes in work or earnings status (20 CFR §404.1588) and regulations that require SSI recipients (or their representative payees) to report any increase or decrease in income (20 CFR, §§416.704–416.714).

EXPLANATION OF PROVISION

The new provision requires the Commissioner to issue a receipt to a disabled beneficiary (or representative of a beneficiary) who reports a change in his or her work or earnings status. The Commissioner is required to continue issuing such receipts until the Commissioner has implemented a centralized computer file that would record the date on which the disabled beneficiary (or representative) reported the change in work or earnings status.

This provision requires the Commissioner to begin issuing receipts as soon as possible, but no later than one year after the date of enactment. The Committee on Ways and Means is aware that the SSA has developed software known as the Modernized Return to Work System (MRTW). This software will assist SSA employees in recording information about changes in work and earnings status and in making determinations of whether such changes affect continuing entitlement to disability benefits. The software also has the capability of automatically issuing receipts. The SSA has informed the Committee on Ways and Means that this software is already in use in some of the agency's approximately 1300 local field offices, and that the SSA expects to put it into operation in the remainder of the field offices over the next year. The Committee on Ways and Means expects that the SSA field offices that are already using the MRTW system will immediately begin issuing receipts to disabled beneficiaries who report changes in work or earnings status, and that the SSA will require the other field offices to begin issuing receipts as these offices begin using the MRTW system over the next year. For disabled Title XVI beneficiaries, if the SSA issues a notice to the beneficiary immediately following the report of earnings that details the effect of the change in income on

the monthly benefit amount, this notice would serve as a receipt.

REASON FOR CHANGE

Witnesses have testified before the Social Security Subcommittee and the Human Resources Subcommittee of the House Ways and Means Committee that the SSA does not currently have an effective system in place for processing and recording Title II and Title XVI disability beneficiaries' reports of changes in work and earnings status. Issuing receipts to disabled beneficiaries who make such reports would provide them with proof that they had properly fulfilled their obligation to report these changes.

Section 203. Denial of Title II Benefits to Persons Fleeing Prosecution, Custody, or Confinement, and to Persons Violating Probation or Parole

PRESENT LAW

The ''Personal Responsibility and Work Opportunity Reconciliation Act of 1996,'' (PRWORA) P.L. 104–193, included provisions making persons ineligible to receive SSI benefits during any month in which they are fleeing to avoid prosecution, custody, or confinement for a felony, or if they are in violation of a condition of probation or parole. However, this prohibition was not extended to Social Security benefits under Title II.

EXPLANATION OF PROVISION

The new provision denies Social Security benefits under Title II to persons fleeing prosecution, custody or confinement for a felony, and to persons violating probation or parole. However, the Commissioner may, for good cause, pay withheld benefits. Finally, the Commissioner shall assist law enforcement officials in apprehending such persons by providing them with the address, Social Security number, photograph, or other identifying information.

This provision is effective the first day of the first month that begins on or after the date that is nine months after the date of enactment.

REASON FOR CHANGE

There are concerns that Social Security benefits, not just Supplemental Security Income and other welfare benefits, are being used to aid flight from justice or other crime. The Congressional Budget Office has estimated that persons fleeing to avoid prosecution for a felony or to avoid custody or confinement after conviction for a felony, or in violation of a condition of probation or parole, will receive $526 million in Title II Social Security benefits over the next 10 years. The Social Security Inspector General (SSA IG) recommended changing the law to prohibit fugitive felons and other criminals from receiving benefits.

The provision gives the Commissioner authority to pay withheld Title II benefits if there is ''good cause.'' The Commissioner would be required to develop regulations within one year of the date of enactment. This ''good cause'' discretion is authorized for the Commissioner in cases of Title II benefits, where it was not authorized or intended for programs affected under the similar provision in PRWORA, because workers earn the right to receive benefits for themselves and their families through their career-long Title II payroll tax contributions.

The good cause exception will provide the Commissioner with the ability to pay benefits under circumstances in which the Commissioner deems withholding of benefits to be inappropriate—for example, but not limited to, situations when Social Security beneficiaries are found to be in flight from a warrant relating to a crime for which a court of competent jurisdiction finds the person not guilty, or if the charges are dismissed; if a warrant for arrest is vacated; or if probation or parole is not revoked. In such circumstances, it is expected that the Commissioner would pay benefits withheld from the beneficiary for which he or she was otherwise eligible but for the prohibition in this provision.

In testimony received at a February 27, 2003 hearing, the Subcommittee was made aware of instances with respect to the SSI program where there may be mitigating circumstances relating to persons with outstanding warrants for their arrest. In addition, PRWORA implementing instructions have been found to vary between agencies. For example, the Department of Agriculture's Food and Nutrition Service has issued instructions that in order to be considered ''fleeing,'' the individual must have knowledge a warrant has been issued for his or her arrest and that the State agency should verify the individual has such knowledge. In addition, once the person has knowledge of the warrant, either by having received it personally or by being advised of its existence by the State agency, he or she is technically ''fleeing'' at that time. Finally, the instructions strongly urge the State agency to give the individual an opportunity to submit documentation that the warrant has been satisfied. The Social Security Administration's procedures do not include such instructions.

The SSA IG is conducting an audit on implementation of the fugitive felon provision for the Supplemental Security Income program, which will shed light on the types of crimes beneficiaries committed, law enforcement's pursuit of such criminals, the length of time benefits were suspended, the SSA's handling of these cases, and other issues. The Subcommittee will continue to closely monitor these issues and encourages the Commissioner to review the agency's implementing instructions in light of these circumstances and what constitutes flight under federal law.

Section 204. Requirements Relating to Offers to Provide for a Fee a Product or Service Available Without Charge From the Social Security Administration

PRESENT LAW

Section 1140 of the Social Security Act prohibits or restricts various activities involving the use of Social Security and Medicare symbols, emblems, or references that give a false impression that an item is approved, endorsed, or authorized by the Social Security Administration, the Health Care Financing Administration (now the Centers for Medicare and Medicaid Services), or the Department of Health and Human Services. It also provides for the imposition of civil monetary penalties with respect to violations of the section.

EXPLANATION OF PROVISION

Several individuals and companies offer Social Security services for a fee even though the same services are available directly from the SSA free of charge. The new provision requires persons or companies offering such services to include in their offer a statement that the services they provide for a fee are available directly from the SSA free of charge. The statements would be required to comply with standards promulgated through regulation by the Commissioner of Social Security with respect to their content, placement, visibility, and legibility. The amendment applies to offers of assistance made after the 6th month following the issuance of these standards. The new provision requires that the Commissioner promulgate regulations within 1 year after the date of enactment.

REASON FOR CHANGE

Several individuals and companies offer Social Security services for a fee even though the same services are available directly from the SSA free of charge. For example, the SSA's Inspector general has encountered business entities that have offered assistance to individuals in changing their names (upon marriage) or in obtaining a Social Security number (upon the birth of a child) for a fee, even though these services are directly available from the SSA for free. The offer from the business entities either did not state at all, or did not clearly state, that these services were available from the SSA for free. These practices can mislead and deceive senior citizens, newlyweds, new parents, and other individuals seeking services or products, who may not be aware that the SSA provides these services for free.

Section 205. Refusal to Recognize Certain Individuals as Claimant Representatives

PRESENT LAW

An attorney in good standing is entitled to represent claimants before the Commissioner of Social Security. The Commissioner may prescribe rules and regulations governing the recognition of persons other than attorneys representing claimants before the Commissioner. Under present law, attorneys disbarred in one jurisdiction, but licensed to practice in another jurisdiction, must be recognized as a claimant's representative.

EXPLANATION OF PROVISION

The new provision authorizes the Commissioner to refuse to recognize as a representative, or disqualifying as a representative, an attorney who has been disbarred or suspended from any court or bar, or who has been disqualified from participating in or appearing before any Federal program or agency. Due process (i.e., notice and an opportunity for a hearing) would be required before taking such action. Also, if a representative has been disqualified or suspended as a result of collecting an unauthorized fee, full restitution is required before reinstatement can be considered. This provision is effective upon the date of enactment.

REASON FOR CHANGE

This provision would provide additional protections for beneficiaries who may rely on representatives during all phases of their benefit application process. As part of their ongoing oversight of claimant representatives, the Committee on Ways and Means intends to review whether options to establish protections for claimants represented by non-attorneys should be considered.

Section 206. Penalty for Corrupt or Forcible Interference with Administration of the Social Security Act

PRESENT LAW

No provision.

EXPLANATION OF PROVISION

The new provision imposes a fine of not more than $5,000, imprisonment of not more than 3 years, or both, for attempting to intimidate or impede—corruptly or by using force or threats of force—any Social Security Administration (SSA) officer, employee or contractor (including State employees of disability determination services and any individuals designated by the Commissioner) while they are acting in their official capacities under the Social Security Act. If the offense is committed by threats of force, the offender is subject to a fine of not more than $3,000, no more than one year in prison, or both. This provision is effective upon enactment.

The Committee on Ways and Means expects that judgment will be used in enforcing this section. Social Security and SSI disability claimants and beneficiaries, in particular, are frequently subject to multiple, severe life stressors, which may include severe physical, psychological, or financial difficulties. In addition, disability claimants or

beneficiaries who encounter delays in approval of initial benefit applications or in post-entitlement actions may incur additional stress, particularly if they have no other source of income. Under such circumstances, claimants or beneficiaries may at times express frustration in an angry manner, without truly intending to threaten or intimidate SSA employees. In addition, approximately 25% of Social Security disability beneficiaries and 35% of disabled SSI recipients have mental impairments, and such individuals may be less able to control emotional outbursts. These factors should be taken into account in enforcing this provision.

REASON FOR CHANGE

This provision extends to SSA employees the same protections provided to employees of the Internal Revenue Service under the Internal Revenue Code of 1954. These protections will allow SSA employees to perform their work with more confidence that they will be safe from harm.

The Internal Revenue Manual defines the term ''corruptly'' as follows: '''Corruptly' characterizes an attempt to influence any official in his or her official capacity under this title by any improper inducement. For example, an offer of a bribe or a passing of a bribe to an Internal Revenue employee for the purpose of influencing him or her in the performance of his or her official duties is corrupt interference with the administration of federal laws.'' (Internal Revenue Manual, [9.5] 11.3.2.2, 4–09–1999).

Section 207. Use of Symbols, Emblems or Names in Reference to Social Security or Medicare

PRESENT LAW

Section 1140 of the Social Security Act prohibits (subject to civil penalties) the use of Social Security or Medicare symbols, emblems and references on any item in a manner that conveys the false impression that such item is approved, endorsed or authorized by the Social Security Administration, the Health Care Financing Administration (now the Centers for Medicare and Medicaid Services) or the Department of Health and Human Services.

EXPLANATION OF PROVISION

The new provision expands the prohibition in present law to several other references to Social Security and Medicare. This includes, but is not limited to, ''Death Benefits Update,'' ''Federal Benefits Information,'' and ''Final Supplemental Plan.'' This provision applies to items sent after 180 days after the date of enactment.

REASON FOR CHANGE

The SSA Inspector General has found these phrases appearing in mailings, solicitations, or flyers, which, when used with the SSA's words, symbols, emblems, and references may be particularly misleading and more likely to convey the false impression that such item is approved, endorsed, or authorized by the SSA, the Health Care Financing Administration (now the Centers for Medicare and Medicaid Services), or the Department of Health and Human Services. Expansion of this list helps to ensure that individuals receiving any type of mail, solicitations or flyers bearing symbols, emblems or names in reference to Social Security or Medicare are not misled into believing that these agencies approved or endorsed the services or products depicted.

Section 208. Disqualification from Payment During Trial Work Period Upon Conviction of Fraudulent Concealment of Work Activity

PRESENT LAW

An individual entitled to disability benefits under Title II is entitled to a ''trial work period'' to test his or her ability to work. The trial work period allows beneficiaries to have earnings from work above a certain amount ($570 a month in 2003) for up to 9 months (which need not be consecutive) within any 60-month period without any loss of benefits. Presently, section 222(c) of the Social Security Act does not prohibit a person entitled to disability benefits under Title II from receiving disability benefits during a trial work period, even if convicted by a federal court for fraudulently concealing work activity during that period.

The SSA's Inspector General has pursued prosecution of Title II disability beneficiaries who fraudulently conceal work activity by applying several criminal statutes, including section 208(a) of the Social Security Act, and sections 371 and 641 of Title 18 of the United States Code (Crimes and Criminal Procedures).

EXPLANATION OF PROVISION

Under the new provision, an individual convicted by a federal court of fraudulently concealing work activity from the Commissioner of Social Security would not be entitled to receive any disability benefits in any trial work period month and would be liable for repayment of those benefits, in addition to any restitution, penalties, fines or assessments otherwise due.

Under this provision, concealing work activity is considered to be fraudulent if the individual (1) provided false information to the SSA about his or her earnings during that period; (2) worked under another identity, including under another person's or a false Social Security number; or (3) took other actions to conceal work activity with the intent to receive benefits to which he or she was not entitled.

This provision is effective with respect to work activity performed after the date of enactment.

REASON FOR CHANGE

Under current law, if an individual is convicted of fraudulently concealing work activity, the dollar loss to the government is calculated based on the benefits that the individual would have received had he or she not concealed the work activity. During the trial work period, disability beneficiaries continue to receive their monthly benefit amount regardless of their work activity. Therefore, the SSA does not include benefits paid during a trial work period in calculating the total dollar loss to the government, even if the individual fraudulently concealed work activity during that period. As a result, the dollars lost to the government may fall below the thresholds set by the United States Attorneys in cases involving fraudulent concealment of work by Title II disability beneficiaries. In such situations, the case would not be prosecuted, even if the evidence of fraud were very clear.

This provision rectifies the situation by establishing that individuals convicted of fraudulently concealing work activity during the trial work period are not entitled to receive any disability benefits for trial work period months prior to the conviction (but within the same period of disability).

Section 209. Authority for Judicial Orders of Restitution

PRESENT LAW

A court may order restitution when sentencing a defendant convicted of various offenses under titles 18, 21, and 49 of the United States Code. However, violations of the Social Security Act (42 U.S.C.) are not included among those for which the court may order restitution.

EXPLANATION OF PROVISION

This provision amends the Social Security Act to allow a federal court to order restitution to the Social Security Administration for violations of the Social Security Act. Restitution in connection with benefits misuse by a representative payee would be credited to the Social Security Trust Funds for cases involving OASDI recipients and to the General Fund for cases involving Supplemental Security Income and Special Veterans benefits. Other restitution funds, credited to a special fund established in the Treasury, would be available to defray expenses incurred in implementing title II, title VIII, and title XVI. If the court does not order restitution, or only orders partial restitution, the court must state the reason on the record. This provision is effective with respect to violations occurring on or after the date of enactment.

REASON FOR CHANGE

This provision would enhance a judge's ability to compensate the programs and punish persons convicted of violations including, but not limited to, improper receipt of Social Security payments and misuse of Social Security numbers.

TITLE III—ATTORNEY REPRESENTATIVE FEE PAYMENT SYSTEM IMPROVEMENTS

Section 301. Cap on Attorney Representative Assessments

PRESENT LAW

If there is an agreement between the claimant and the attorney, the Social Security Act requires the SSA to pay attorney fees for Title II claims directly to the attorney out of the claimant's past-due benefits. The SSA charges an assessment, at a rate not to exceed 6.3% of approved attorney fees, for the costs of determining, processing, withholding, and distributing attorney fees.

EXPLANATION OF PROVISION

The new provision imposes a cap of $75 on the 6.3% assessment on approved attorney representative fees for Title II claims. The cap is indexed annually for inflation. This provision is effective after 180 days after the date of enactment.

REASON FOR CHANGE

Testimony was given at a House oversight hearing in May 2001 on the SSA's processing of attorney representative's fees that the amount of the fee assessment is unfair to these attorneys, who provide an important service to claimants. The attorneys who receive fee payments from the agency have their gross revenue reduced by 6.3%. As a result of this revenue loss and the time it takes for the SSA to issue the fee payments to attorneys, a number of attorneys have decided to take fewer or none of these cases. The cap on the amount of the assessment would help ensure that enough attorneys remain available to represent claimants before the Social Security Administration.

The Committee on Ways and Means continues to be concerned about the agency's processing time for attorney representatives fee payments and expects the SSA to further automate the payment process as soon as possible.

Section 302. Extension of Attorney Fee Payment System to Title XVI Claims

PRESENT LAW

If there is an agreement between the claimant and the attorney, the Social Security Act requires attorney fees for Title II claims to be paid by the SSA directly to the attorney out of the claimant's past-due benefits (subject to an assessment to cover the SSA's costs). However, attorney fees for Title XVI claims are not paid directly by the SSA out of past-due benefits. Instead, the attorney must collect the fee from the beneficiary.

EXPLANATION OF PROVISION

The provision would extend direct fee payment to attorneys out of past-due benefits

for Title XVI claims. It would also authorize the SSA to charge a processing assessment of up to 6.3% of the approved attorney fees, subject to a cap of $75 that is indexed for inflation.

In addition, in cases where the States would be reimbursed for interim assistance they had provided to a beneficiary awaiting a decision on a claim for SSI benefits, the State would be paid first, and the attorney would be paid second out of the past-due benefit amount.

The provision also requires the General Accounting Office to conduct a study of claimant representation in the Social Security and Supplemental Security Income programs. The study will include an evaluation of the potential results of extending the fee withholding process to non-attorney representatives.

This provision applies with respect to fees for representation that are first required to be certified or paid on or after the first day of the first month that begins after 270 days after the date of enactment. The provision would sunset with respect to respect to agreements for representation entered into after 5 years after the implementation date. The GAO report is due to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 1 year after the date of enactment.

REASON FOR CHANGE.

Withholding the attorney fee payments from the SSI benefit claim would improve SSI applicants' access to representation, as more attorneys would be willing to represent claimants if they are guaranteed payment.

Payment of States first and attorneys second would ensure that States providing interim assistance to individuals would not receive less reimbursement, while also providing a method of ensuring that attorneys receive payment and continue to provide representation.

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Subtitle A—Amendments Relating to the Ticket to Work and Work Incentives Improvement Act of 1999

Section 401. Application of Demonstration Authority Sunset Date to New Projects

PRESENT LAW

Section 234 of the Social Security Act provides the Commissioner with general authority to conduct demonstration projects for the disability insurance program. These projects can test: (1) alternative methods of treating work activity of individuals entitled to disability benefits; (2) the alteration of other limitations and conditions that apply to such individuals (such as an increase in the length of the trial work period); and, (3) implementation of sliding scale benefit offsets. To conduct the projects, the Commissioner may waive compliance with the benefit requirements of Title II and Section 1148, and the HHS Secretary may waive the benefit requirements of Title XVIII. The Commissioner's authority to conduct demonstration projects terminates on December 17, 2004, five years after its enactment in the ''Ticket to Work and Work Incentives Improvement Act of 1999'' (P.L. 106–170, ''Ticket to Work Act'').

EXPLANATION OF PROVISION

The new provision clarifies that the Commissioner is authorized to conduct demonstration projects that extend beyond December 17, 2004, if such projects are initiated on or before that date (i.e., initiated within the five-year window after enactment of the Ticket to Work Act). This provision is effective upon enactment.

REASON FOR CHANGE

The current five-year limitation on waiver authority restricts the options that may be tested to improve work incentives and return to work initiatives, as several potential options the Commissioner may test would extend past the current five-year limit. Developing a well-designed demonstration project can require several years, and the current five-year authority might not allow sufficient time to both design the project and to conduct it long enough to obtain reliable data.

Section 402. Expansion of Waiver Authority Available in Connection with Demonstration Projects Providing for Reductions in Disability Insurance Benefits Based on Earnings

PRESENT LAW

Section 234 of the Social Security Act provides the Commissioner with general authority to conduct demonstration projects for the disability insurance program. In addition, Section 302 of the Ticket to Work Act directs the Commissioner to conduct demonstration projects for the purpose of evaluating a program for Title II disability beneficiaries under which benefits are reduced by $1 for each $2 of the beneficiary's earnings above a level determined by the Commissioner. To permit a thorough evaluation of alternative methods, section 302 of the Ticket to Work Act allows the Commissioner to waive compliance with the benefit provisions of Title II and allows the Secretary of Health and Human Services to waive compliance with the benefit requirements of Title XVIII.

EXPLANATION OF PROVISION

The new provision allows the Commissioner to also waive requirements in Section 1148 of the Social Security Act, which governs the Ticket to Work and Self-Sufficiency Program (Ticket to Work Program), as they relate to Title II. This provision is effective upon enactment.

REASON FOR CHANGE

This additional waiver authority is needed to allow the Commissioner to effectively test the $1-for-$2 benefit offset in combination with return to work services under the Ticket to Work Program. Under the $1-for-$2 benefit offset, earnings of many beneficiaries may not be sufficient to completely eliminate benefits. However, under section 1148 of the Social Security Act, benefits must be completely eliminated before employment networks participating in the Ticket to Work Program are eligible to receive outcome payments. Therefore, employment networks are likely to be reluctant to accept tickets from beneficiaries participating in the $1-for-$2 benefit offset demonstration, making it impossible for the SSA to effectively test the combination of the benefit offset and these return to work services. Additionally, section 1148 waiver authority was provided for the broad Title II disability demonstration authority under section 234 of the Social Security Act, but not for this mandated project.

Section 403. Funding of Demonstration Projects Providing for Reductions in Disability Insurance Benefits Based on Earnings

PRESENT LAW

The Ticket to Work Act provides that the benefits and administrative expenses of conducting the $1-for-$2 demonstration projects will be paid out of the Old-Age, Survivors, and Disability Insurance (OASDI) and Federal Hospital Insurance and Federal Supplementary Medical Insurance (HI/SMI) trust funds, to the extent provided in advance in appropriations act.

EXPLANATION OF PROVISION

The new provision establishes that administrative expenses for the $1-for-$2 demonstration project will be paid out of otherwise available annually-appropriated funds, and that benefits associated with the demonstration project will be paid from the OASDI or HI/SMI trust funds. This provision is effective upon enactment.

REASON FOR CHANGE

For demonstration projects conducted under the broader Title II demonstration project authority under section 234 of the Social Security Act, administrative costs are paid out of otherwise available annually appropriated funds, and benefits associated with the demonstration projects are paid from the OASDI or HI/SMI trust funds. This provision would make funding sources for the $1 for $2 demonstration project under the Ticket to Work Act consistent with funding sources for other Title II demonstration projects.

Section 404. Availability of Federal and State Work Incentive Services to Additional Individuals

PRESENT LAW

Section 1149 of the Social Security Act (the Act), as added by the Ticket to Work Act, directs the SSA to establish a community-based work incentives planning and assistance program to provide benefits planning and assistance to disabled beneficiaries. To establish this program, the SSA is required to award cooperative agreements (or grants or contracts) to State or private entities. In fulfillment of this requirement, the SSA has established the Benefits Planning, Assistance, and Outreach (BPAO) program. BPAO projects now exist in every state.

Section 1150 of the Act authorizes the SSA to award grants to State protection and advocacy (P&A) systems so that they can provide protection and advocacy services to disabled beneficiaries. Under this section, services provided by participating P&A systems may include: (1) information and advice about obtaining vocational rehabilitation (VR) and employment services; and (2) advocacy or other services that a disabled beneficiary may need to secure or regain employment. The SSA has established the Protection and Advocacy to Beneficiaries of Social Security (PABSS) Program pursuant to this authorization.

To be eligible for services under either the BPAO or PABSS programs, an individual must be a ''disabled beneficiary'' as defined under section 1148(k) of the Act. Section 1148(k) defines a disabled beneficiary as an individual entitled to Title II benefits based on disability or an individual who is eligible for federal SSI cash benefits under Title XVI based on disability or blindness.

EXPLANATION OF PROVISION

The new provision expands eligibility for the BPAO and PABSS programs under sections 1149 and 1150 of the Act to include not just individuals who are ''disabled beneficiaries'' under section 1148(k) of the Act, but also individuals who (1) are no longer eligible for SSI benefits because of an increase in earnings, but remain eligible for Medicaid under section 1619(b); (2) receive only a State supplementation payment (a payment that some States provide as a supplement to the federal SSI benefit); or (3) are in an extended period of Medicare eligibility under Title XVIII after a period of Title II disability has ended. The new provision also expands the types of services a P&A system may provide under section 1150 of the Act. Currently P&A systems may provide ''advocacy or other services that a disabled beneficiary may need to secure or regain employment,'' while the new provision allows them to provide ''advocacy or other services that a disabled beneficiary may need to secure, maintain, or regain employment.''

The amendment to section 1149, which affects the BPAO program, is effective with respect to grants, cooperative agreements or contracts entered into on or after the date of enactment. The amendments to section 1150, which affect the PABSS program, are effective for payments provided after the date of the enactment.

REASON FOR CHANGE

The Committee on Ways and Means recognizes that Social Security and SSI beneficiaries with disabilities face a variety of barriers and disincentives to becoming employed and staying in their jobs. The intent of this provision, as with the Ticket to Work Act, is to encourage disabled individuals to work.

The definition of ''disabled beneficiary'' under section 1148(k) of the Act does not include several groups of beneficiaries, including individuals who are no longer eligible for SSI benefits because of an earnings increase but remain eligible for Medicaid under section 1619(b); individuals receiving only a State supplementation payment; and individuals who are in an extended period of Medicare eligibility. The Committee on Ways and Means believes that BPAO and PABSS services should be available to all of these disabled beneficiaries regardless of Title II or SSI payment status. Beneficiaries may have progressed beyond eligibility for federal cash benefits, but may still need information about the effects of work on their benefits, or may need advocacy or other services to help them maintain or regain employment. Extending eligibility for the BPAO and PABSS programs to beneficiaries who are receiving a State supplementation payment or are still eligible for Medicare or Medicaid, but who are no longer eligible for federal cash benefits, will help to prevent these beneficiaries from returning to the federal cash benefit rolls and help them to reach their optimum level of employment.

The Committee on Ways and Means also intends that PABSS services be available to provide assistance to beneficiaries who have successfully obtained employment but who continue to encounter job-related difficulties. Therefore, the new provision extends the current PABSS assistance (which is available for securing and regaining employment) to maintaining employment—thus providing a continuity of services for disabled individuals throughout the process of initially securing employment, the course of their being employed and, if needed, their efforts to regain employment. This provision would ensure that disabled individuals would not face a situation in which they would have to wait until they lost their employment in order to once again be eligible to receive PABSS services. Payments for services to maintain employment would be subject to Section 1150(c) of the Social Security Act. The Committee on Ways and Means will continue to monitor the implementation of PABSS programs to ensure that assistance is directed to all areas in which beneficiaries face obstacles in securing, maintaining, or regaining work.

Section 405. Technical Amendment Clarifying Treatment for Certain Purposes of Individual Work Plans Under the Ticket to Work and Self-Sufficiency Program

PRESENT LAW

Under section 51 of the Internal Revenue Code (IRC), employers may claim a Work Opportunity Tax Credit (WOTC) if they hire, among other individuals, individuals with disabilities who have been referred by a State vocational rehabilitation (VR) agency. For an individual to qualify as a vocational rehabilitation referral under section 51(d)(6)(B) of the IRC, the individual must be receiving or have completed vocational rehabilitation services pursuant to: (i) ''an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973;'' or (ii) ''a program of vocational rehabilitation carried out under chapter 31 of title 38, United States Code.'' (IRC, section 51(d)(6)(B).

The WOTC is equal to 40% of the first $6,000 of wages paid to newly hired employees during their first year of employment when the employee is retained for at least 400 work hours. As such, the maximum credit per employee is $2,400, but the credit may be less depending on the employer's tax bracket. A lesser credit rate of 25% is provided to employers when the employee remains on the job for 120–399 hours. The amount of the credit reduces the company's deduction for the employee's wages.

The Ticket to Work Act established the Ticket to Work and Self-Sufficiency Program (Ticket to Work Program) under section 1148 of the Social Security Act. Under this program, the SSA provides a ''ticket'' to eligible Social Security Disability Insurance beneficiaries and Supplemental Security Income beneficiaries with disabilities that allows them to obtain employment and other support services from an approved ''employment network'' of their choice. Employment networks may include State, local, or private entities that can provide directly, or arrange for other organizations or entities to provide, employment services, VR services, or other support services. State VR agencies have the option of participating in the Ticket to Work Program as employment networks. Employment networks must work with each beneficiary they serve to develop an individual work plan (IWP) for that beneficiary that outlines his or her vocational goals and the services needed to achieve those goals. For VR agencies that participate in the Ticket to Work Program, the individualized written plan for employment (as specified under (i) in paragraph one above) serves in lieu of the IWP.

Under current law, an employer hiring a disabled individual referred by an employment network does not qualify for the WOTC unless the employment network is a State VR agency.

EXPLANATION OF PROVISION

The new provision allows employers who hire disabled workers through referrals by employment networks under section 1148 of the Social Security Act to qualify for the WOTC. Specifically, it provides that, for purposes of section 51(d)(6)(B)(i) of the IRC of 1986, an IWP under section 1148 of the Social Security Act shall be treated as an individualized written plan for employment under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973.

This provision is effective as if it were included in section 505 of the Ticket to Work Act.

REASON FOR CHANGE

The Ticket to Work Program was designed to increase choice available to beneficiaries when they select providers of employment services. Employers hiring individuals with disabilities should be able to qualify for the WOTC regardless of whether the employment referral is made by a public or private service provider. This amendment updates eligibility criteria for the WOTC to conform to the expansion of employment services and the increase in number and range of VR providers as a result of the enactment of the Ticket to Work Act.

Subtitle B—Miscellaneous Amendments

Section 411. Elimination of Transcript Requirement in Remand Cases Fully Favorable to the Claimant

PRESENT LAW

The Social Security Act requires the SSA to file a hearing transcript with the District Court for any SSA hearing that follows a court remand of a SSA decision.

EXPLANATION OF PROVISION

The new provision clarifies that the SSA is not required to file a transcript with the court when the SSA, on remand, issues a decision fully favorable to the claimant. This provision is effective with respect to final determinations issued (upon remand) on or after the date of enactment.

REASON FOR CHANGE

A claimant whose benefits have been denied is provided a transcript of a hearing to be used when the claimant appeals his case in Federal District court. If the Administrative Law Judge issued a fully favorable decision, then transcribing the hearing is unnecessary since the claimant would not appeal this decision.

Section 412. Nonpayment of Benefits Upon Removal From the United States

PRESENT LAW

In most cases, the Social Security Act prohibits the payment of Social Security benefits to non-citizens who are deported from the United States. However, the Act does not prohibit the payment of Social Security benefits to non-citizens who are deported for smuggling other non-citizens into the United States.

EXPLANATION OF PROVISION

The new provision requires the SSA to suspend benefits of beneficiaries who are removed from the United States for smuggling aliens. This provision applies with respect to removals occurring after the date of enactment.

REASON FOR CHANGE

Individuals who are removed from the United States for smuggling aliens have committed an act that should prohibit them for receiving Social Security benefits.

Section 413. Reinstatement of Certain Reporting Requirements

PRESENT LAW

The Federal Reports Elimination and Sunset Act of 1995 ''sunsetted'' most annual or periodic reports from agencies to Congress that were listed in a 1993 House inventory of congressional reports.

EXPLANATION OF PROVISION

The new provision reinstates the requirements for several periodic reports to Congress that were subject to the 1995 ''sunset'' Act, including annual reports on the financial solvency of the Social Security and Medicare programs (the Board of Trustees' reports on the OASDI, HI, and SMI trust funds) and annual reports on certain aspects of the administration of the Title II disability program (the SSA Commissioner's reports on pre-effectuation reviews of disability determinations and continuing disability reviews). The provision is effective upon enactment.

REASON FOR CHANGE

The reports to be reinstated provide Congress with important information needed to evaluate and oversee the Social Security and Medicare programs.

Section 414. Clarification of Definitions Regarding Certain Survivor Benefits

PRESENT LAW

Under the definitions of ''widow'' and ''widower'' in Section 216 of the Social Security Act, a widow or widower must have been

married to the deceased spouse for at least nine months before his or her death in order to be eligible for survivor benefits.

EXPLANATION OF PROVISION

The new provision creates an exception to the nine-month requirement for cases in which the Commissioner finds that the claimant and the deceased spouse would have been married for longer than nine months but for the fact that the deceased spouse was legally prohibited from divorcing a prior spouse who was institutionalized due to mental incompetence or similar incapacity. The provision is effective for benefit applications filed after the date of enactment.

REASON FOR CHANGE

This provision allows the Commissioner to issue benefits in certain unusual cases in which the duration of marriage requirement could not be met due to a legal impediment over which the individual had no control and the individual would have met the legal requirements were it not for the legal impediment.

Section 415. Clarification Respecting the FICA and SECA Tax Exemptions for an Individual Whose Earnings are Subject to the Laws of a Totalization Agreement Partner

PRESENT LAW

In cases where there is an agreement with a foreign country (i.e., a totalization agreement), a worker's earnings are exempt from United States Social Security payroll taxes when those earnings are subject to the foreign country's retirement system.

EXPLANATION OF PROVISION

The new provision clarifies the legal authority to exempt a worker's earnings from United States Social Security tax in cases where the earnings were subject to a foreign country's retirement system in accordance with a U.S. totalization agreement, but the foreign country's law does not require compulsory contributions on those earnings. The provision establishes that such earnings are exempt from United States Social Security tax whether or not the worker elected to make contributions to the foreign country's retirement system.

The provision is effective upon enactment.

REASON FOR CHANGE

In U.S. totalization agreements, a person's work is generally subject to the Social Security laws of the country in which the work is performed. In most cases, the worker (whether subject to the laws of the United States or the other country) is compulsorily covered and required to pay contributions in accordance with the laws of that country. In some instances, however, work that would be compulsorily covered in the U.S. is excluded from compulsory coverage in the other country (such as Germany). In such cases, the IRS has questioned the exemption from U.S. Social Security tax for workers who elect not to make contributions to the foreign country's retirement system. This provision would remove any question regarding the exemption and would be consistent with the general philosophy behind the coverage rules of totalization agreements.

Section 416. Coverage Under Divided Retirement System for Public Employees in Kentucky

PRESENT LAW

Under Section 218 of the Social Security Act, a State may choose whether or not its State and local government employees who are covered by a public pension may also participate in the Social Security Old-Age, Survivors, and Disability Insurance program. (In this context, the term ''public pension plan'' refers to a pension, annuity, retirement, or similar fund or system established by a State or a political subdivision of a State such as a town. Under current law, State or local government employees not covered by a public pension plan are, with a few exceptions, required to pay Social Security payroll taxes.)

Social Security coverage for employees covered under a State or local government public pension plan is established through an agreement between the State and the federal government. All States have the option of electing Social Security coverage for employees by a majority vote in a referendum. If the majority vote is in favor of Social Security coverage, then the entire group, including those voting against such coverage, will be covered by Social Security. If the majority vote is against Social Security coverage, then the entire group, including those voting in favor of such coverage and employees hired after the referendum, will not be covered by Social Security.

In certain States, however, there is an alternative method for electing Social Security coverage. Under this method, rather than the majority of votes determining Social Security coverage for the whole group, employees voting in the referendum may individually determine whether they want Social Security coverage, provided that all newly hired employees of the system are required to participate in Social Security. After the referendum, the retirement system is divided into two groups, one composed of members who elected Social Security coverage plus those hired after the referendum, and the other composed of those who did not elect Social Security coverage. Under Section 218(d)(6)(c) of the Social Security Act, 21 states currently have authority to operate such a divided retirement system.

EXPLANATION OF PROVISION

The new provision permits the state of Kentucky to join the 21 other states in being able to offer a divided retirement system. This system would permit current state and local government workers in a public pension plan to elect Social Security coverage on an individual basis. Those who do not wish to be covered by Social Security would continue to participate exclusively in the public pension plan. This provision is effective retroactively to January 1, 2003.

REASON FOR CHANGE

The governments of the City of Louisville and Jefferson County merged in January 2003, and formed a new political subdivision. Under the provision, once the new political subdivision holds a referendum on Social Security coverage among its employees, each employee would choose whether or not to participate in the Social Security system in addition to their public pension plan. All employees newly hired to the system after the divided system is in place would be covered automatically under Social Security.

Currently, some employees of the new government are covered under Social Security, while others are not. In order to provide fair and equitable coverage to all employees, a divided retirement system, such as that currently authorized in 21 other states, was seen as the best solution. It would allow those who want to keep Social Security coverage or obtain Social Security coverage to do so, without requiring other current employees to participate in Social Security as well.

Without this provision, upon holding a referendum on Social Security coverage, a majority of votes would determine whether or not the group would participate in Social Security. Since the number of non-covered employees exceeds the number of Social Security-covered employees in the new government, those employees currently covered by Social Security could lose that coverage. The Kentucky General Assembly has adopted a bill that will allow the new divided retirement system to go forward following enactment of this provision.

Section 417. Compensation for the Social Security Advisory Board

PRESENT LAW

The Social Security Advisory Board is an independent, bipartisan Board established by the Congress under section 703 of the Social Security Act. The 7-member board is appointed by the President and the Congress to advise the President, the Congress, and the Commissioner of Social Security on matters related to the Social Security and Supplemental Security Income programs. Section 703(f) of the Social Security Act provides that members of the Board serve without compensation, except that, while engaged in Board business away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government who are employed intermittently.

EXPLANATION OF PROVISION

The new provision establishes that compensation for Social Security Advisory Board members will be provided, at the daily rate of basic pay for level IV of the Executive Schedule, for each day (including travel time) during which the member is engaged in performing a function of the Board. This provision is effective on January 1, 2003.

REASONS FOR CHANGE

Other government advisory boards—such as the Employee Retirement Income Security Act Advisory Council, the Pension Benefit Guaranty Corporation Advisory Committee and the Thrift Savings Plan Board—provide compensation for their members. This provision allows for similar treatment of Social Security Advisory Board members with respect to compensation.

Seciton 418. 60-Month Period of Employment Requirement for Application of Government Pension Offset Exemption

PRESENT LAW

The Government Pension Offset (GPO) was enacted in order to equalize treatment of workers in jobs not covered by Social Security and workers in jobs covered by Social Security, with respect to spouse and survivor benefits. Where what is known as the ''dual-entitlement'' rule reduces a spouse or survivor benefit dollar-for-dollar by the worker's own Social Security retirement or disability benefit, the GPO reduces the Social Security spouse or survivor benefit by two-thirds of the government pension.

However, under what's know as the ''last day rule,'' State and local government workers are exempt from the GPO if, on the last day of employment, their job was covered by Social Security. In contrast, Federal workers who switched from the Civil Service Retirement System (CSRS), a system that is not covered by Social Security, to the Federal Employee Retirement System (FERS), a system that is covered by Social Security, must work for 5 years under FERS in order to be exempt from the GPO.

EXPLANATION OF PROVISION

The new provision requires that State and local government workers be covered by Social Security during their last 5 years of employment in order to be exempt from the GPO. The provision is effective for applications filed on or after the first day of the first month after the date of enactment. However, the provision would not apply to individuals whose last day of employment for the State or local governmental entity occurred before the end of the 90-day period following the date of enactment. It would also not apply to person whose last day of

employment occurred after the end of the 90-day period following the date of enactment, if during the 90-day period following the date of enactment the person's job was covered by Social Security and remained so until their last day of employment.

REASON FOR CHANGE

In August 2002, the GAO published a report titled ''Social Security Administration: Revision to the Government Pension Offset Exemption Should Be Considered'' (GAO–02–950). At the request of Committee on Ways and Means, Subcommittee on Social Chairman E. Clay Shaw, Jr., the GAO investigated use of the ''last day'' exemption to avoid being subject to the GPO. The investigation found that over 4,800 individuals in Texas and Georgia used the last day exemption, with over 3,500 in Texas using it in 2002.

In testimony provided to the Subcommittee on Social Security February 27, 2003, the GAO stated that the exemption ''allows a select group of individuals with a relatively small investment of work time and only minimal Social Security contributions to gain access to potentially many years of full Social Security spousal benefits.'' GAO also clarified in testimony that a spouse who worked in the private sector, paid payroll taxes for an entire career, and earned a Social Security retirement or disability benefit as a worker would not receive a full spousal benefit. The GAO stated that current usage of last day exemption could cost the Social Security trust funds $450 million, and that considering the potential for abuse of the exemption and the likelihood of increased use, timely action is needed. This provision to conform their treatment to that of federal workers was among the recommendations provided by the GAO to address potential abuse of the exemption. A provision addressing the GPO last-day exemption was also included in President Bush's budget request for 2004.

Subtitle C—Technical Amendments

Section 421. Technical Correction Relating to Responsible Agency Head

PRESENT LAW

Section 1143 of the Social Security Act directs ''the Secretary of Health and Human Services'' to send periodic Social Security Statements to individuals.

EXPLANATION OF PROVISION

The new provision makes a technical correction to this section by inserting a reference to the Commissioner of Social Security in place of the reference to the Secretary of Health and Human Services. This provision is effective upon enactment.

REASON FOR CHANGE

The ''Social Security Independence and Program Improvements Act of 1994'' (P.L. 103–296) made the Social Security Administration an independent agency separate from the Department of Health and Human Services. This provision updates Section 1143 to reflect that change.

Section 422. Technical Correction Relating to Retirement Benefits of Ministers

PRESENT LAW

Section 1456 of the ''Small Business Job Protection Act of 1996'' (P.L. 104–188) established that certain retirement benefits received by ministers and members of religious orders (such as the rental value of a parsonage or parsonage allowance) are not subject to Social Security payroll taxes under the Internal Revenue Code. However, under Section 211 of the Social Security Act, these retirement benefits are treated as net earnings from self-employment for the purpose of acquiring insured status and calculating Social Security benefit amounts.

EXPLANATION OF PROVISION

The new provision makes a conforming change to exclude these benefits received by retired clergy from Social Security-covered earnings for the purpose of acquiring insured status and calculating Social Security benefit amounts. This provision is effective for years beginning before, on, or after December 31, 1994. This effective date is the same as the effective date of Section 1456 of P.L. 104–188.

REASON FOR CHANGE

P.L. 104–188 provided that certain retirement benefits received by ministers and members of religious orders are not subject to payroll taxes. However, a conforming change was not made to the Social Security Act to exclude these benefits from being counted as wages for the purpose of acquiring insured status and calculating Social Security benefit amounts. This income is therefore not treated in a uniform manner. This provision would conform the Social Security Act to the Internal Revenue Code with respect to such income.

Section 423. Technical Correction Relating to Domestic Employment

PRESENT LAW

Present law is ambiguous concerning the Social Security coverage and tax treatment of domestic service performed on a farm. Domestic employment on a farm appears to be subject to two separate coverage thresholds (one for agricultural labor and another for domestic employees).

EXPLANATION OF PROVISION

The new provision clarifies that domestic service on a farm is treated as domestic employment, rather than agricultural labor, for Social Security coverage and tax purposes. This provision is effective upon enactment.

REASON FOR CHANGE

Prior to 1994, domestic service on a farm was treated as agricultural labor and was subject to the coverage threshold for agricultural labor. According to the SSA, in 1994, when congress amended the law with respect to domestic employment, the intent was that domestic employment on a farm would be subject to the coverage threshold for domestic employees instead of the threshold for agricultural labor. However, the current language is unclear, making it appear as if farm domestics are subject to both threshold.

Section 424. Technical Correction of Outdated References

PRESENT LAW

Section 202(n) and 211(a)(15) of the Social Security Act and Section 3102(a) of the Internal Revenue Code of 1986 each contain outdated references that relate to the Social Security program.

EXPLANATION OF PROVISION

The new provision corrects outdated references in the Social Security Act and the Internal Revenue Code by: (1) in Section 202(n) of the Social Security Act, updating references respecting removal from the United States; (2) in Section 211(a)(15) of the Social Security Act, correcting a citation respecting a tax deduction related to health insurance cost of self-employed individuals; and (3) in Section 3102(a) of the Internal Revenue Code of 1986, eliminating a reference to an obsolete 20-day agricultural work test. This provision is effective upon enactment.

REASON FOR CHANGE

Over the years, provisions in the Social Security Act, the Internal Revenue Code and other related laws have been deleted, re-designated or amended. However, necessary conforming changes have not always been made. Consequently, Social Security law contains some outdated references.

Section 425. Technical Correction Respecting Self-Employment Income in Community Property States

PRESENT LAW

The Social Security Act and the Internal Revenue Code provide that, in the absence of a partnership, all self-employment income from a trade or business operated by a married person in a community property State is deemed to be the husband's unless the wife exercises substantially all of the management and control of the trade or business.

EXPLANATION OF PROVISION

Under the new provision, self-employment income from a trade or business that is not a partnership, and that is operated by a married person in a community property State, is taxed and credited to the spouse who is carrying on the trade or business. If the trade or business is jointly operated, the self-employment income is taxed and credited to each spouse based on their distributive share of gross earnings. This provision is effective upon enactment.

REASON FOR CHANGE

Present law was found to be unconstitutional in several court cases in 1980. Since, then, income from a trade or business that is not a partnership in a community property State has been treated the same as income from a trade or business that is not a partnership in a non-community property State—it is taxed and credited to the spouse who is found to be carrying on the business.

This change will conform the provision in the Social Security Act and the Internal Revenue Code to current practice in both community property and non-community property States.

LETTERS OF SUPPORT RECEIVED FOR H.R. 743, SOCIAL SECURITY PROTECTION ACT OF 2003

DISABILITY ADVOCATES

National Alliance for the Mentally Ill.
Consortium for Citizens with Disabilities.

ATTORNEY ORGANIZATIONS

National Organization of Social Security Claimants' Representatives.

ADMINISTRATIVE LAW JUDGES

Association of Administrative Law Judges.

LAW ENFORCEMENT

Grand Lodge Fraternal Order of Police.
Fraternal Order of Police, Louisville Lodge 6.
Long Beach, CA Police—Chief of Police.
Wayne County, MI (includes Detroit)—Sheriff.
Chartiers Township Police—Houston, PA—Chief of Police.
Borough of Churchill Police—Pittsburgh, PA—Chief of Police.
Brecknock Township Police—Mohnton, PA—Chief of Police.
Milton, PA Police—Chief of Police.

AARP,
Washington, DC, March 5, 2003.

Hon. ROBERT MATSUI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MATSUI: On behalf of AARP and its 35 million members, I wish to commend you and Representative Shaw for introducing H.R. 743, the ''Social Security Program Protection Act of 2003.'' This comprehensive legislation is important to claimants, beneficiaries and the overall Social Security program.

We are pleased that the legislation would protect beneficiaries against abuses by representative payees. For many years, AARP recruited volunteers as representative payees so that Social Security beneficiaries who

needed a representative payee but could not find one would not lose any benefits. These programs were quite successful but were limited in scope.

AARP has had a longstanding interest in curbing deceptive mailings targeted at older Americans. This legislation builds upon prior legislation and could discourage other mailers from scaring older people about their Social Security and Medicare benefits.

The legislation would strengthen the Ticket to Work Act and conduct pilot projects to improve work incentives for those with a disability. These changes would send a strong signal that our society values the contributions of all its citizens.

Thank you again for your leadership in moving H.R. 743 in the House.

Sincerely,

DAVID CERTNER,
Director, Federal Affairs.

NAMI,
Arlington, VA, March 3, 2003.

Hon. E. CLAY SHAW,
Chairman, Subcommittee on Social Security, Committee on Ways & Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN SHAW: On behalf of the 220,000 members and 1,200 affiliates of the National Alliance for the Mentally Ill (NAMI) I am writing to offer our support and urge swift House consideration of HR 743, the Social Security Protection Act of 2003. As the nation's largest organization representing individuals with severe mental illnesses and their families, NAMI urges the House to pass this bipartisan legislation to protect the interests of vulnerable beneficiaries of Social Security's disability income and support programs.

HR 743 is the product of near universal bipartisan support. This legislation contains many long overdue protections for the most disabled and vulnerable Americans and their families. As you know, individuals with severe mental illnesses represent a large and growing percentage of Social Security's cash assistance benefit programs (SSI and SSDI). The beneficiary protections and program integrity provisions in HR 743 will help ensure that the performance of the SSI and SSDI programs improve. Of particular to NAMI are the sections in HR 743 that will provide badly needed protections for recipients whose benefits are mishandled or fraudulently diverted by institutional representative payees. NAMI is especially supportive of these protections given the high percentage of SSI beneficiaries with severe persistent mental illnesses who receive benefits through a representative payee.

NAMI is also pleased with provisions in HR 743 that will require Social Security to issue receipts to SSDI beneficiaries when they forward earnings reports to agency. This new protection will be of tremendous help to SSDI beneficiaries seeking to use the Trial Work Period program to re-enter the workforce. Finally, NAMI is pleased that HR 743 contains needed technical corrections to improve with the implementation of the 1999 Ticket to Work and Work incentives Improvement Act (TWWIIA).

HR 743 is the product of years of bipartisan work. Similar legislation passed the House 425–0 and cleared the Senate without dissent in the 107th Congress. In NAMI's view, the House should act swiftly in 2003 to pass this important legislation that everyone agrees is needed to protect people with severe disabilities that rely on SSI and SSDI benefits for their most basic needs.

Sincerely,

RICHARD C. BIRKEL, Ph.D.,
Executive Director.

CONSORTIUM FOR
CITIZENS WITH DISABILITIES,
Washington, DC, March 4, 2003.

Hon. E. CLAY SHAW,
Hon. ROBERT MATSUI,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES SHAW AND MATSUI: On behalf of the Consortium for Citizens with Disabilities Task Forces on Social Security and Work Incentives Implementation, we are writing to express our support for the speedy passage of H.R. 743, the Social Security Protection Act of 2003.

We appreciate the hard work and the perseverance of the Subcommittee on Social Security in addressing this important legislation over the course of two Congresses and again in this 108th Congress. Your leadership and commitment last year resulted in the passage of the Social Security Program Protection Act of 2002, H.R. 4070, in the House by a vote of 425 to 0. Clearly, the issues addressed in the bipartisan Social Security Protection Act are important to people with disabilities who must depend on the Title II and Title XVI disability programs. We urge House passage of H.R. 743.

H.R. 743 is a very important bill for people with disabilities. We believe that it should be enacted as soon as possible. People with disabilities need the protections of the representative payee provisions. People with disabilities who are attempting to work need the statutory changes to the Ticket to Work program in order to better utilize the intended work incentive provisions enacted in 1999. In addition, beneficiaries with disabilities need the provision requiring the Social Security Administration to issue written receipts, and to implement a centralized computer file record, whenever beneficiaries report earnings or a change in work status. These important provisions have not been controversial—in fact, they have enjoyed significant bipartisan support—and have simply fallen prey to the legislative process over the last two Congresses. We appreciate your interest in moving H.R. 743 quickly so that these important protections can become available to beneficiaries as soon as possible.

One of the most important sections of H.R. 743 for people with disabilities is the section dealing with improved protections for beneficiaries who need representative payees. Approximately 6 million Social Security and Supplemental Security Income beneficiaries have representative payees, often family members or friends, who receive the benefits on their behalf and have a responsibility to manage the benefits on behalf of the beneficiaries.

H.R. 743 includes important provisions strengthening SSA's ability to address abuses by representative payees. The provisions would:

Require non-governmental fee-for-services organizational representative payees to be bonded and licensed under state or local law;

Provide that when an organization has been found to have misused an individual's benefits, the organization would not qualify for the fee;

Allow SSA to re-issue benefits to beneficiaries whose funds had been misused;

Allow SSA to treat misused benefits as ''overpayments'' to the representative payee, thereby triggering SSA's authority to recover the money through tax refund offsets, referral to collection agencies, notifying credit bureaus, and offset of any future federal benefits/payments; and

Require monitoring of representative payees, including monitoring of organizations over a certain size and government agencies serving as representative payees.

In addition, H.R. 743 would extend the direct payment of attorneys fees in SSI cases on a voluntary basis. Advocates believe that such a program will make legal representation more accessible for people with disabilities who need assistance in handling their cases as they move through the extremely complex disability determination and appeals systems.

CCD is a working coalition of national consumer, advocacy, provider, and professional organizations working together with and on behalf of the 54 million children and adults with disabilities and their families living in the United States. The CCD Social Security and Work Incentives Implementation Task Forces focus on disability policy issues in the Title XVI Supplemental Security Income program and the Title II disability programs. We look forward to the House passage and final enactment of H.R. 743.

Sincerely,

Co-chairs, Social Security and Work Incentives Implementation Task Forces

MARTY FORD
The Arc and UCP Public Policy Collaboration.
ETHEL ZELENSKE
National Organization of Social Security Claimants' Representatives.
CHERYL BATES-HARRIS
National Association of Protection and Advocacy Systems.
SUSAN PROKOP
Paralyzed Veterans of America.
MELANIE BRUNSON
American Council of the Blind.
PAUL SEIFERT
International Association of Psychosocial Rehabilitation Services.

NATIONAL ORGANIZATION OF SOCIAL SECURITY CLAIMANTS' REPRESENTATIVES,
Midland Park, NJ, February 26, 2003.

Hon. E. CLAY SHAW, Jr.,
Subcommittee on Social Security, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Organization of Social Security Claimants' Representatives (''NOSSCR''), we offer our support for the important goals of H.R. 743, the Social Security Protection Act of 2003.

Specifically, we support the protections in Title I for beneficiaries who have representative payees and support provisions which, for the first time, require the Social Security Administration to issue receipts to beneficiaries when they report earnings or a change in work status. Additionally, Title III of this measure contains two important provisions NOSSCR strongly supports. These provisions are designed to ensure access to legal representation for those Social Security and Supplemental Security Income (''SSI'') claimants who seek to be represented as they pursue their claims and appeals. First, the bill limits the assessment of the user fee to $75.00 or 6.3 percent, whichever is lower. Second, the bill extends the current Title II fee withholding and direct payment procedure to the Title XVI program, giving SSI claimants the same access to representation as is currently available to Social Security disability claimants. Together, these provisions make changes that will help claimants obtain representation as they navigate what can often be confusing and difficult process.

We are dismayed, however, by the addition of a sunset provision for the extension of withholding to the Title XVI program. Enactment of an attorneys' fee payment system with an ''end date'' will undercut its very purpose: to enable more SSI claimants seeking a lawyer to hire one. The sunset provision shortchanges SSI claimants who desire legal representation. We are not aware

of any policy justification for this provision, and we urge its deletion from the bill.

NOSSCR appreciates your continued interest in improving the Social Security and SSI programs and ensuring the best possible service delivery. We look forward to your Subcommittee's consideration of this legislation.

Very truly yours,

NANCY G. SHOR,
Executive Director.

ASSOCIATION OF
ADMINISTRATIVE LAW JUDGES,
Milwaukee, WI, February 28, 2003.

Re: The Social Security Protection Act of 2003 (HR 743).

Hon. CLAY SHAW, Jr.,
Chairperson, Subcommittee on Social Security, Washington, DC.

DEAR CHAIRPERSON SHAW: I write on behalf of the Association of Administrative Law Judges. We represent about 1000 administrative law judges in the Social Security Administration and in the Department of Health and Human Services which comprise about 80% of the administrative law judges in the Federal government. I am writing in regard to H.R. 743, a bill to provide additional safeguards for Social Security and Supplement Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

We support the goals of H.R. 743. In particular, we support the attorney fee payment system improvements provided for in the bill, but we believe that the legislation should not include any ''sunset'' provisions. We further support the provisions in the legislation for the elimination of transcript requirements in remand cases fully favorable to the claimant.

We also favor the provision in the legislation that directs the Social Security Administration to issue receipts to acknowledge submissions of earnings by beneficiaries.

Thank you for your work on this important legislation.

Sincerely,

RONALD G. BERNOSKI,
President.

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC, January 10, 2003.

Hon. RON LEWIS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE LEWIS: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our strong support for H.R. 134, which would add Kentucky to the list of those States permitted to operate a separate retirement system for certain public employees.

As you know, in November of 2000, the citizens of Jefferson County and the City of Louisville, Kentucky voted to merge their communities and respective governments into a single entity, known as Greater Louisville. This merger went into effect on 6 January 2003. Jefferson County and the City of Louisville operated two very different retirement programs for their police officers and, now that the merger has occurred, Federal law requires the new government to offer a single retirement plan. We share your concern that this requirement may dramatically increase the cost of retirement for the public safety officers who now serve Greater Louisville, and thus jeopardize the retirement security of many of the community's police, fire, and emergency personnel.

The Kentucky State Lodge of the Fraternal Order of Police has been successful in its effort in the State's General Assembly and now need the Federal government to act by adding Kentucky to the list of twenty-one (21) States permitted to operate what is known as a ''divided retirement system.'' This will allow the police officers of Greater Louisville to decide for themselves whether or not they want to participate in Social Security or remain in their traditional retirement plan. While future employees will be automatically enrolled in Social Security, no current officers would be forced into a new retirement system as a result of the merger.

It is critical that the Congress act quickly on this matter. The F.O.P. is ready to assist you in getting this bill through the House expeditiously.

On behalf of the more than 300,000 members of the Fraternal Order of Police, I want to thank you for your hard work on this effort. Please let us know how we can be of further assistance by contacting me or Executive Director Jim Pasco through my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

FRATERNAL ORDER OF POLICE,
LOUISVILLE LODGE 6,
Louisville, KY, February 19, 2003.

Hon. RON LEWIS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE LEWIS: I am writing on behalf of the members of Fraternal Order of Police, Louisville Lodge #6. We want to advise you of our support for HR 134. We believe that this bill would add Kentucky to the list of those States permitted to operate a separate retirement system for certain public employees.

As I am sure you are aware that last November our community voted to unite Jefferson County and the City of Louisville, Kentucky. We have a newly formed entity known as Greater Louisville. This merger was effective January 6th 2003. Jefferson County and the City of Louisville are now operating on two very different retirement systems in respect to their police officers. Now that the merger has taken effect, Federal law requires the new government to offer one single retirement plan for everyone.

The Kentucky State F.O.P. Lodge has been successful in its effort in the State's General Assembly and now need the Federal Government to act by adding Kentucky to the list of twenty-one (21) States permitted to operate what is known as a ''divided retirement system.'' This will give every police officer the choice whether to participate in Social Security or remain in their current/traditional retirement plan.

We believe that it is critical and important that Congress act on this matter as quickly as possible. On behalf of our membership, we wish to thank you for your efforts with this matter. Please let us know if we can be of any assistance in the future.

Sincerely,

DAVID JAMES,
President.

CITY OF LONG BEACH
POLICE DEPARTMENT,
Long Beach, CA, February 27, 2003.

Congressman E. CLAY SHAW, Jr.,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN SHAW: It has come to my attention that you will soon be holding hearings on House of Representatives Bill 743. I am writing to let you know that I fully support this Bill, especially as it relates to expanding the denial of Social Security benefits to all of those who are fugitives from justice.

My department has worked successfully with the Social Security Administration's Office of the Inspector General (SSA OIG) in apprehending fugitives who collect Supplemental Security Income payments. By working with the SSA OIG to remove a source of income for the fugitive, law enforcement departments like mine are finding it easier to locate and apprehend fugitives.

I urge you to fully support the provisions of H.R. 743 that make all fugitives ineligible for any type of Social Security benefit from the United States Government.

Sincerely,

ANTHONY W. BATTS,
Chief of Police.

OFFICE OF THE SHERIFF,
WAYNE COUNTY,
Detroit, MI, February 25, 2003.

Subject: House Bill HR 473.

Hon. E. CLAY SHAW, Jr.,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN SHAW: I would like to take this opportunity to officially endorse and support House Bill HR 473 that provides for the expansion of the Fugitive Felons Project to include the Title II program. My department works closely with the Social Security Inspector General's office in identifying Title 16 SSI welfare recipients who are fugitive felons and are residents of Wayne County.

Over the past two years several hundred fugitive felons have been arrested because of the close working relationship between the Sheriff's Department and the Social Security Inspector General's office. By expanding the fugitive felon provision to include the Title II program, I believe the number of arrests will increase significantly.

If I may be of assistance to you in this matter, please contact me at (313) 224–2233.

Sincerely yours,

WARREN C. EVANS,
Sheriff.

CHARTIERS TOWNSHIP
POLICE DEPARTMENT,
Houston, PA, February 26, 2003.

Congressman E. CLAY SHAW Jr.,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN E. CLAY SHAW Jr.: I am writing you today, to strongly endorse House Bill #473. I would especially endorse Section 203 that covers the Title II Fugitive Felons expansion. I believe Law Enforcement efforts would be greatly enhanced by its passage.

Sincerely,

JAMES M. HORVATH,
Chief.

THE BOROUGH OF CHURCHILL
POLICE DEPARTMENT,
Pittsburgh, PA, February 28, 2003.

To: Congressman E. Clay Shaw Jr.
Subject: Endorsement for H.R. 743.

I am writing to show my support for the above bill. I believe that it would be in the best interest of the American public to give this tool to Law Enforcement officials. I believe that it will help up in the investigation of Terrorists.

RICHARD H. JAMES,
Chief of Police.

BRECKNOCK TOWNSHIP
POLICE DEPARTMENT,
Mohnton, PA, February 27, 2003.

Congressman E. CLAY SHAW, Jr.,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN SHAW: I would like to take this opportunity to endorse the expansion of the Fugitive Felons Project to include the Title II program in Section 203 of

HR 473. It will be another valuable tool in the fight against crime.

Thank you for your consideration.

JOHN V. MINTZ,
Chief of Police.

MILTON POLICE DEPARTMENT,
Milton, PA, February 25, 2003.

Congressman E. CLAY SHAW, Jr.,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN SHAW Jr.: This letter is in support of your efforts under House Bill H.R. 743, amending the Social Security Act and the Internal Revenue Code of 1986. This should provide law enforcement at all levels a powerful tool in the location of fugitives from justice. On many occasions in my law enforcement experience I have found persons receiving benefits of the Social Security System while outstanding warrants or other paper was pending on them.

Thank you for your introduction of this needed legislation.

Sincerely yours.

PAUL YOST,
Chief.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), a valued member of the subcommittee.

Mr. HERGER. Mr. Speaker, I rise in support of the Social Security Program Protection act. I would like to thank Chairman SHAW and the other members of the Committee on Ways and Means who have worked tirelessly to improve Social Security programs that provide a crucial safety net for many of our Nation's neediest disabled and elderly individuals. These changes have been designed to ensure that the right benefits go to the right people, a principle which should guide our efforts on behalf of the taxpayers we serve.

I am especially pleased that the bill before us includes a provision designed to keep convicted fugitive felons from getting Social Security checks. These efforts built upon the criminal welfare prevention provisions which I introduced and which were enacted into law more than 3 years ago. By all accounts, these laws have been effective in stopping illegal, fraudulent Social Security payments to prisoners.

We have also stopped hard-earned taxpayer dollars from being used to subsidize addicts with disability checks. Overall, we have saved the taxpayers and beneficiaries literally billions of dollars.

Other provisions in the legislation before us, such as granting the Social Security Administration the tools it needs to weed out waste and fraud, will further protect vulnerable beneficiaries.

Mr. Speaker, this bill passed with overwhelming bipartisan support in the last Congress. I urge all my colleagues to join me today in supporting it once again.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SANDLIN), a member of the Committee on Ways and Means.

Mr. SANDLIN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today to express my strong opposition to section 418 of the Social Security Protection Act.

Under section 418, an individual would be required to work in a Social Security-covered job for his or her last 5 years of employment to be exempt from the GPO. Both the increase in time and the offset itself are absolutely ridiculous.

Under a provision of current law, known as the ''last day rule,'' an individual is exempt from GPO if he or she worked in a job that was covered by Social Security on the last day of employment. According to the GAO, extending the employment requirement to 5 years will save only $18 million per year, greatly to the detriment of public workers, especially our school teachers.

Section 418 was not included in the version of this legislation that the House passed, with my support, during the 107th Congress. This is not the same bill as last year. I support the other provisions of this legislation, but cannot support H.R. 743 as introduced. Technical corrections are necessary. This is a correction that will strike at the very heart of public school teachers in Texas and public employees in other parts of the country.

Mr. Speaker, I hope this legislation will finally focus Congress' attention on the need to repeal the government pension offset. I urge the Committee on Ways and Means to examine the GPO and its harmful impact on seniors in my district and all across the country.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), another valued member of the Subcommittee on Social Security of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of the subcommittee for yielding me this time, and I rise in strong support of the Social Security Protection Act of 2003.

Now, the gentleman who preceded me in the well, the gentleman from California, spoke of the initiatives this committee and this House adopted to crack down on fraud and abuse, specifically the abuse of Social Security payments going to convicted felons. We have a chance now to expand that, to deny fugitive felons and payroll violators from receiving Social Security benefits and help individuals with disabilities.

This is the key thing for me, my colleagues, because so many folks in the Fifth Congressional District of Arizona have come to me to extol the virtues of something this Congress did back in 1999, as we put people back to work with our Ticket to Work incentives that year. And while we have granted tickets to work across the country to emphasize the ability in disability and put people back to work, an important piece of clarifying language is in this provision. It clarifies that the Work Opportunity Tax Credit would be available to employers who hire a disabled beneficiary who is referred from any employment network, not just the State rehabilitation agency.

So we actually expand the pool of people who can go to work and add further incentives in our Ticket to Work. So, on one hand, if we are talking about Social Security protection, we move to bar those who would take advantage of fraud and abuse. We crack down there. And yet for the most deserving among us, people who genuinely want to get back in the workforce, who have been met with limitations heretofore, we expand their opportunities to find work. We expand the opportunities for those who are willing to put them to work.

It creates the type of balance necessary. It is the ideal type of perfecting and expanding legislation that is meant when we say we step up to protect this vital program. It shows reasoned balance and perfection in what is all too often an imperfect world as we strive to further strengthen and protect and perfect our process of Social Security.

If nothing else were there but this expansion of the Work Opportunity Tax Credit and the Ticket to Work Program, I would stand in favor of this bill. But it does so much more. I would invite all of my friends in the House to join us in supporting this legislation.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentlewoman from the State of Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from California for yielding me this time and for all of his good work.

I am particularly saddened today, Mr. Speaker, that I have to come to the floor and vigorously oppose this legislation because just last year, 2002, I enthusiastically supported the Social Security Act of 2002 for the very reason that we do need to fix some of the abuses and we need to respond to the needs of shoring up Social Security.

But the Texas branch of our teachers association has characterized this hidden provision in 418 as a poison pill for Texas school employees—hardworking teachers and others who are working in our school districts lose their benefits. Many school districts offer teachers nonSocial Security government pensions. So, until now, many teachers have been forced to take advantage of the last day option. Just before they retire, they get a job in a business with a Social Security pension for a day, in order to receive their deserved benefits.

This is a ridiculous system and the appropriate way to fix it would have been to repeal the GPO. In fact, I have cosponsored H.R. 594, with my colleague, the gentleman from California (Mr. MCKEON), and 132 others, just to do that. This bill closes the option to protect those hardworking teachers.

For example, I received a call from one woman in my district who was a teacher earlier in her life. She wanted to come back today and help the teachers to teach the children to the system.

But as a widow she cannot do so because of this terrible structure in our Social Security legislation.

Mr. Speaker, this is a bad bill that has this hidden provision. It will hurt teachers, firefighters, and police persons and I ask my colleagues to vote against it.

Mr. Speaker, I am saddened to come to the floor today to speak out against H.R. 743, The Social Security Protection Act of 2003. Social Security represents a covenant between the U.S. Federal Government and the American people. It is a promise that if a person works hard, and contributes into this investment program, that when it comes time for them to retire—their government will ensure that a fair benefit is there for them. It seems that too often, criminals take advantage of the trust between the Social Security Administration and the seniors and disabled Americans it serves. They misuse Social Security benefits. Such activity is worse than just stealing, because it threatens the confidence that the American people have in their government. That confidence is the foundation of our democracy.

So last Congress, I joined with every voting Member of this House in support of The Social Security Act of 2002. It was an excellent piece of bipartisan legislation, which would have made great strides towards cutting down on the abuse of the Social Security system. Most of the major provisions of that bill are reflected in the bill before us today, and I still support them. The bills would both protect Social Security recipients by mandating reissue of funds when their payments are misused. Representative payees who misuse a person's benefits would be forced to reimburse those funds, plus would be subject to fines of up to $5000 if they knowingly provided false or misleading information.

For further protection, representative payees for over 15 individuals would be required to be licensed and bonded, and would be subject to periodic reviews. The bills would allow the Commissioner to withhold benefits from fugitive felons, and persons fleeing prosecution. The bills also provide for numerous improvements to the present system, which would reduce fraud and abuse of the program.

The bill passed unanimously in the House last Congress, and similar legislation cleared the Senate. But unfortunately this important legislation got hung up at the end of last year. With such support and progress, this should have been an easy piece of work to get through this year, and a score for the American taxpayers. Instead, a wrench has been thrown into the works, through the addition of a small section that has provoked a deluge of phone calls into my office from, it seems like, every schoolteacher in my district.

The Texas branch of the American Federation of Teachers describes Section 418 as ''poison for Texas school employees.'' That section relates to the Government Pension Offset. At present, if an individual receives a government pension based on work that was not covered by Social Security, his or her Social Security spousal or survivor benefit is reduced by an amount equal to two-thirds the government pension. This provision of current law is called the Government Pension Offset (GPO). However, under the ''last day rule,'' an individual is exempt from the GPO if he or she works in a job covered by Social Security on the last day of employment.

Many school districts offer teachers non-Social Security government pensions, so until now many teachers have been forced to take advantage of the ''last day'' option. Just before they retire, they get a job in a business with a Social Security pension for a day, in order to receive their deserved benefits. This is a ridiculous system, and the appropriate way to fix it would have been to repeal the GPO. In fact, I have co-sponsored H.R. 594 with my colleague from California, BUCK MCKEON, and 132 others to do just that.

Instead, the bill before us today closes the option. I am usually all for saving money, but now is no time to be ''sticking-it'' to teachers—just as we are trying to leave no child behind, just as we have a shortage of qualified teachers in many areas. This could drive many people away from careers in teaching.

For example, today I received a call from one woman in my District who was a teacher earlier in her life. Her husband recently passed away and she has been contemplating going back into teaching. But she has been warned that she could actually jeopardize her financial future by going to work. As a widow, she will be entitled to her husband's social security benefits. However, if she starts to teach in a school district with a government non-Social Security pension, she could lose $360 per month in retirement benefits—over $4000 per year.

Why should she risk it? If H.R. 743 passes today, it won't be only she that loses. It will be our Nation's children who lose—an experienced, intelligent teacher.

The GPO issue needs to be addressed, but not today. Right now, we are giving money to criminals who are beating our system and undermining confidence in the future of Social Security and the government as a whole. We need to protect Social Security, and we need to do it soon. But I will wait until we can do it without attacking our teachers, and penalizing our children.

I will vote ''no'' on H.R. 743, and urge my colleagues to do the same.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume to say to the gentlewoman from Texas that this levels the playing field and treats the people, or the teachers in Texas as other teachers throughout the entire country.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF), another valued member of the Committee on Ways and Means.

Mr. HULSHOF. Mr. Speaker, I thank the chairman for yielding me this time, and I rise in support of H.R. 743, the Social Security Protection Act.

There are a lot of issues that are addressed that are important to Americans with disabilities that depend upon Title II and Title XVI. Individuals facing the challenges of life with a disability need these protections that are proposed on the representative payee provisions.

There are about 6 million Americans that receive Social Security and supplemental security income. These beneficiaries often have family members or loved ones who act on their behalf, and yet there are some of those receiving these benefits that go to services, a fee for this service of being a representative payee. If someone receives a fee for this service, now they must be bonded and licensed. And if this representative payee chooses to pray on the disability or the elderly, society's most vulnerable, then tough civil monetary penalties will result. These changes are important and necessary.

Another provision deserving mention, Mr. Speaker, is contained within section 401 through 405. In 1999, this body enacted some breakthrough changes for individuals with disabilities, specifically the Ticket to Work and Work Incentive Improvement Act. The Ticket to Work rolled over barriers that prevented countless employable individuals with disabilities from rejoining the workforce.

□ 1115

Yet now we need to make some technical corrections. For instance, one of the things in the original Ticket to Work bill was a demonstration project which allowed the commissioners of Social Security to look at other ways to employ those that want to rejoin the workforce. One of the technical corrections is that we extend the 5-year limit on designing and implementing these worthy demonstration projects.

I am especially interested personally in abolishing this so-called ''income cliff.'' That is, if an individual is employable and works and achieves earnings up to a certain amount, if that individual makes $1 more than that, they fall off the cliff and lose all of their Social Security disability benefits. I encourage this sliding scale, for every $2 earned, maybe losing $1 of disability benefits. Yet we need to make those technical corrections to the bill so employer networks will accept these beneficiaries that are participating in this $1 for $2 offset demonstration project. So these are worthy changes.

Let me quickly address the issue of my colleagues from Texas. There was a recent study that the General Accounting Office came back to our committee in August of last year with, at the request of the chairman, and found this last-day exemption, this loophole, found that nearly 5,000 individuals in two States were taking advantage of this loophole in order to get around the requirements of law.

What we do is simply implement the changes of the GAO. What the General Accounting Office found was that we were allowing, current law was allowing a select group of individuals with really a small investment of work time and only minimal Social Security contributions to really gain access to potentially many years of full Social Security benefits. I recognize this is a tough situation for those Members from those particular States; but as the chairman alluded after the last speaker, this is something that brings those States in line with the other 48 States. Again a difficult but necessary, important change. These changes are overdue. I urge adoption of H.R. 743.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, there are over 40,000 teachers across the State of Texas who could be adversely affected by this legislation. This bill includes provisions which I consider to be catastrophic for Texas teachers and many other government employees. Provisions in the legislation would, in effect, reduce the amount of combined benefits that the Texas teachers could depend upon after retirement, even for many teachers who have paid into both Social Security and the Texas teacher retirement system.

I realize that many in this body characterize section 418, the section that would extend the last-day exemption to 6 years, as an issue of fundamental fairness. With that, I cannot entirely disagree. Those who are able to take advantage of a loophole in the law represent a small minority of Americans who pay into Social Security and a government pension; and there are other ways in which we can fix that, and we do have legislation that is pending.

I do not object to this legislation on the grounds that it seeks to create an equitable system of payment for all citizens. I object to a process whereby Members of the Texas delegation and other delegations are not able to offer amendments or debate this bill on the floor of the House. This legislation will have broad implementations for teachers in Texas and will most likely force a mass exodus of experienced teachers from our public schools. Under this legislation, teachers will still be able to retire this year and use the last day exemption provision to draw their retirement.

What impetus does an experienced teacher have to stay in the classroom and continue teaching if the government is, in effect, going to significantly reduce his or her retirement payment after this year? If we are to attract and retain qualified, caring teachers, then hidden procedures such as that in section 418 must be debated and considered in an open forum where amendments and debate are not stifled. Now is not the time to force experienced, caring teachers into retirement and demonstrate to the younger generation of educators our indifference to the livelihood of our Nation's educators.

Mr. Speaker, I ask that we pull section 418, make the bill like it was last year, or defeat H.R. 743.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, a few years ago a lady came to my office in my district whose husband had died before he had ever collected a single penny of Social Security. He had worked his entire life paying into the Social Security system thinking when he died, his wife would receive a survivor's benefit from his Social Security payments that would help keep her secure during her retirement.

She sat in my office near tears explaining to me that because she had spent her career in teaching and because she receives a monthly Texas State teacher's retirement benefit, she would never see one penny from Social Security. To learn that she would have received a survivor's benefit if she had been drawing a retirement benefit from a private, rather than a public, retirement fund only added insult to her injury.

Mr. Speaker, this is unfair and the government pension offset must be repealed. For the 6 years that I have been in Congress, I have cosponsored the legislation to end this unfair result caused by this provision we call the GPO. Last year 186 Members on both sides of the aisle cosponsored legislation to repeal this government pension offset. In spite of that support, the bill never has passed, never has received a full hearing in the committee. And in spite of the support in this Congress, section 418 of the bill before us moves in exactly the opposite direction.

Mr. Speaker, I urge my colleagues to protect our teachers, to reject this bill today, to send it back to the Committee on Ways and Means with the understanding that the GPO should be repealed.

Mr. MATSUI. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

This is an issue so important to some of us who represent districts in Texas and Georgia, and it is important nationwide because there has been legislation in the last 4 years that had a majority of the U.S. House of Representatives as cosponsors to repeal the offset for public employees, for teachers, firefighters and police officers. The gentleman from Arizona (Mr. HAYWORTH) was a cosponsor of the bill 2 years ago, and now we are gathering signatures again. It is a system that is wrong, and it needs to be changed; but in my 5 years, we have not had a chance to address it on the floor of the House of Representatives.

I know my colleagues talk about the 1 day as a loophole. Well, it may be a loophole, but it is also complying with the law. It is interesting, we are going to close a loophole and allow firefighters, police officers and teachers to go to work 1 day in a system that has Social Security and their retirement system and be eligible for Social Security. Yet we are willing to open up millions of loopholes for corporations to be able to walk through.

I regret to say Enron is from the area I am from in Houston, and they have not paid Federal taxes in 6 years. We do not mind opening loopholes big enough for corporations to drive trucks through, but for a school teacher who wants to get her husband's Social Security benefits because she has taught for 30 years teaching our children, we are closing up that loophole. They get penalized on their widow's benefits. We are talking about widows' benefits and not somebody that is double dipping, and I know previously that is what the committee wanted to do.

Mr. Speaker, I am opposed to H.R. 743, and I hope that Members will look at it to change it. Some public employees are not covered by Social Security, and in Texas it is particularly our police officers, firefighters and teachers. Our school districts can be part of Social Security or not. The individual employee, whether they are a cafeteria worker or custodian or a teacher, they do not have a choice. All they want to do is serve our children, and yet they are getting penalized.

My example is the best one I can think of. My wife and I have been married 33 years. She has been a teacher in Texas for 26 years. If I died tomorrow, she would be penalized on all the benefits that I have put into Social Security. I have paid the maximum for I-do-not-know-how-many years. She would be penalized because she is a public schoolteacher in Texas.

H.R. 743 has a great many good things in it, but this is so bad we ought to have enough votes on the floor to be able to defeat it and bring it back without this provision in it, or at least bring it back and debate it fully on the floor with an opportunity to amend it.

Full spousal benefit ought to be if I paid into Social Security, my wife as a widow when I pass away ought to get the same benefit no matter whether she is a stay-at-home housewife or actually worked as a schoolteacher. We should not punish teachers and firefighters and police officers by stripping away this right unless we address the underlying problem of the government pension offset.

Closing a loophole, that is what the current law is. And in Texas I have a good example. I have a teacher in my wife's school district who was 73 years old. Her husband died in her early sixties. She was receiving his Social Security widow's benefit. She could not retire because of the cut she would take in her Social Security benefit from her husband. They were married many years so she was entitled to it. What she did, she went and worked in a school district that had Social Security and teacher retirement for that 1 day at 73 years old. How long do we want people to have to work?

It is just outrageous what the law has made people have to do. Teachers across our country are chronically underpaid. We give lots of lip service on the floor. Yesterday we passed a resolution about Lutheran educators. I am talking about public school teachers who teach our children every day. Is it perfect? Of course not. But this is the only thing we can do on the Federal level because teachers' salaries are set by the school districts and by the States. But this is something we can do to say we are not going to slap them in

the face. We are going to make sure that if someone is a teacher and has taught all those years, and their husband has been under Social Security and they pass away, and I say husband because most of the teachers are women. They are the ones in their retirement years who have less than we do as men, and yet we are taking that away from them. Again, that is just outrageous.

We find it harder and harder to attract teachers. Let us make sure if teachers are married to someone who pays into Social Security, they can get their widow's benefit without being punished for it. This issue is close to the heart for a lot of us in Texas.

Mr. SHAW. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I remind Members who are going to vote on this issue who are zeroing in on this one small part of this bill, where we have a two-worker family both paying into Social Security, one dies, the survivor either gets their earned benefit or the survivor benefit, whichever is greater.

But in Texas where you have one spouse who has paid nothing into Social Security but paid all into their pension plan, they would receive, if they worked 1 day under the Social Security system, they would receive their full pension and survivor benefits. All we are trying to do is to say if someone works 5 years under Social Security, they can get both. But if they work 1 day, they cannot get both.

This is trying to level the playing field for the millions of teachers, firefighters and others across this country who have paid into Social Security, to level the playing field so the people who never paid into Social Security are not getting a better deal. It is as simple as that.

Mr. Speaker, I reserve the balance of my time.

□ 1130

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Ohio (Mrs. JONES), a member of the Committee on Ways and Means.

Mrs. JONES of Ohio. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to speak in support of the legislation, but not with regard to the government offset. It is very, very important that we make sure that we take care of the persons on Social Security that have representatives speaking on their behalf. This legislation will provide stricter requirements with regard to those who represent people in the Social Security Administration on behalf of recipients.

This is my first opportunity as a member of the Committee on Ways and Means, the Subcommittee on Social Security, to be on the floor to speak on behalf of an issue. I am pleased to stand in support of this legislation with regard to all the provisions with regard to Social Security. I thank the chairman and the ranking member for all the work they have done in this particular regard.

Mr. SHAW. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BRADY), a valued member of the Ways and Means subcommittee.

Mr. BRADY of Texas. Mr. Speaker, we are right to be concerned about our teachers. They are overworked. They are underpaid. We are concerned about them. I think had it not been for study over the last year or so, I would be giving the exact same speech today as my Democratic colleagues from Texas because we are all concerned. It turns out this is not exactly the case I thought it was.

Recently we held a hearing on this legislation. We wanted to hear from our Texas teachers, so we requested the chairman invite our Texas State Teachers Association, our Texas Federation of Teachers and the Association of Texas Professional Educators to testify. Unfortunately, they were not able to because of various reasons, the snow being one of them, but we submitted their testimony on their behalf and urged members of the subcommittee to study it.

During the hearing, it was shown that teachers in government pensions are not being singled out. They are not. The government pension offset affects more than just teachers. It affects more than 5 million people in all sorts of State, local and Federal Government pensions who do not pay into Social Security. This is important to know because a lot of my teachers feel like they are being targeted, being singled out.

My main concern during the hearing that I expressed that my teachers are so upset about, that a widower who has worked a lifetime to earn their government pension, like a Texas teacher, will keep less of their deceased spouse's Social Security than a widower who has worked and paid into Social Security. The Social Security Administration conclusively proved this is not the case. It turns out it is just the opposite.

Teachers in TRS are able to keep the same, or more, of their spouse's Social Security benefits than other widowers who have worked, like nurses or waitresses. That is because the government pension offset law reduces their husband's or their deceased spouse's Social Security by two-thirds of their pension. But for other widowers, for waitresses, nurses and others who paid into Social Security, their husband's benefits are reduced even more, 100 percent of their own benefit.

What I think confuses teachers and many is that if someone has not worked, they have worked inside the home all their life, have not earned Social Security, they keep all of their husband's or their deceased spouses's benefits because they depend upon it more. Social Security is extremely complicated. There is a great deal of misinformation going around the Internet and by well-meaning individuals and organizations these days.

What frustrates me most is that teachers were not told about this situation years ago. They feel they have paid into Social Security for years and they do not get the help when they need it the most. It would have been so much better if this would have been reformed years ago, where you put aside your own contribution to Social Security into a traditional retirement account, where that money grew for you over the years, you could take it with you, it was yours to own and you would not be surprised by some government formula done 20 years ago. That is where we need to head.

How we can help teachers today and others I think is to focus on the windfall elimination provision. It sounds complicated, but the principle is, for me, if you have worked hard and paid into Social Security and you have worked hard and paid into a government pension, you should receive more of both. I am thinking here of teachers who have contributed their hard-earned pay into Social Security through a second job, teachers who have contributed to Social Security in another State before moving to Texas or Georgia, thinking of future teachers who already have a career, we would like to get them into the classroom to help but they are afraid of losing their retirement benefits. I believe the best and the most timely solution to help these people, these teachers, and others who have earned two pensions, is to modernize the windfall elimination provision to make it more fair.

I have asked our subcommittee chairman, the gentleman from Florida (Mr. SHAW), to hold hearings on the windfall elimination provision. This is where I think we can take a formula that is outdated, I think a bit arbitrary, and focus on the principles if you have paid into Social Security and you have paid into your government pension, that you keep more of the Social Security that you have paid into.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

The SPEAKER pro tempore (Mr. GILCHREST). The gentleman from Texas is recognized for 5½ minutes.

Mr. DOGGETT. Mr. Speaker, I must begin by saying that I find the comments of the last speaker, the gentleman from Texas (Mr. BRADY), to be very troubling. Each of the three organizations that he identified, the Association of Professional Texas Educators, the Texas State Teachers Association, and the American Federation of Teachers, oppose this bill. They have submitted written testimony when at least one of those organization's representatives was stranded in Austin because of an ice storm.

It is fine to talk about teachers; this Republican leadership though has a chance to act. Today they talk about leveling the playing field. It is just that they want to level the playing

field down instead of leveling the playing field up. The Texas teachers who have tried to protect themselves from this terrible government pension offset have confronted a Republican leadership that has been in control here for the last eight years. What have they done about the windfall elimination provision or the government pension offset during that time? They filed a bill that a lot of us have cosponsored. They could have had a hearing in the subcommittee last week on that bill. But what did they choose to do? They took a bill that passed unanimously, that I voted for, that the gentleman from California (Mr. MATSUI) voted for, that every Member of this Chamber voted for last year, and they added a provision to it, on page 70 of the bill, section 418, a provision that is not even clearly identified in the summary of the bill. This bill has the effect of taking away a right that Texas teachers and teachers in other parts of this country have utilized and which they enjoy a perfect right to utilize.

It is legal and proper for teachers to do this, and the reason they must act for themselves is that this Congress, under Republican leadership, has failed to act for them. This self-help should be of little surprise when all they hear is talk up here and when the Republican leadership will not even set this for a hearing.

Yes, they had a hearing on a bill that passed unanimously last year. They just tucked in a little provision they did not tell us about that hurts the teachers of Texas and many other States. Then what did they do after they held a hearing when our teachers were stuck in an ice storm but they were so eager to move forward that they would not wait for them to get to Washington? Did they bring it up for a vote in the subcommittee? No, they did not. Did they bring it up for a vote in the full committee on Ways and Means? No, they did not. Instead they brought it directly to the floor today in a surprise move announced only a couple of legislative days after this was taken up in committee. Now they propose to bring it up under a procedure where debate is limited and we cannot even offer an amendment to take out this offending provision.

Yes, I think we should do something about felons getting Social Security checks. I am ready to vote for that. But why do we have to treat our teachers like felons and deny them the benefits that they have rightly earned?

The loss of a spouse is difficult enough to bear. But when a widow or a widower has devoted their lifetime to public service as a teacher often at low wages, they get another cruel surprise. When these former educators lose their husband or wife, the Social Security Administration does not send them a letter to console them in their mourning, it reduces the spousal Social Security benefit by two-thirds of the teacher's pension. That is what these teachers are concerned about.

To the average retired teacher in Texas, or anywhere else, this means a loss of about $360 a month. For an elderly retiree, you can call it an ''offset,'' but for them it is mighty upsetting. Confronted with this unfair offset and the technique that teachers have had to rely on as self-help to fix this injustice, the Republican leadership has not been willing to correct the problem. Instead, they want to target the cure. What a contrast, too, with the rest of their legislative package.

The Republicans could have fixed this injustice in a separate bill or they could have fixed this injustice in the bill that they are going to be taking up tomorrow, that began as a very appropriate, unanimously supported bill much like this one. It is called the ''Armed Forces Tax Fairness Act,'' and it is designed to treat our Armed Forces fairly as they serve in harm's way throughout the world.

But what began as a bill to help our Armed Forces has been debased with measures that would allow foreigners to bet on horse races tax-free, certainly good news to the Turks and the French; it would exempt fishing tackle boxes from an excise tax; and exempt bows and arrows from a similar tax.

I support tax fairness for our military because they secure our country. But I also support retirement security for our teachers because they build the foundation upon which our democracy rests. The Republican leadership is today tackling the issue of tackle boxes, but it tells our teachers to ''Go fish.'' They will cut bow and arrow taxes but put a bulls-eye on teachers. Surely we can also fix the injustice that this offset inflicts on America's educators.

We ask for a ''no'' vote on this bill and we have a message to this entire Congress that has not been heard, apparently by even some of our own representatives, but certainly not by the sneaky tactics that got this provision in the bill. That message, is, ''Don't mess with Texas.'' [Doggett holds bumper sticker] Don't mess with Texas teachers. Vote ''no'' on this bad bill.

Mr. SHAW. Mr. Speaker, I would remind the other speaker that what we did was picked up the language that the Democrat-controlled Senate passed by unanimous consent in the last Congress and put it in this bill and now have brought it to the floor.

Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, clearing up a couple of misconceptions there, I would love to be able to tell my Texas teachers, whom I love, what they want to hear. But I respect them too much to do that. I want to tell them the truth. The fact of the matter is, this was not snuck in. This was passed in the Senate last session. And this Republican House, with Texas lawmakers from both sides said, let us discuss this in open debate and make sure it is the right way, which is exactly what we are doing. Both parties have had a chance to work on this issue since 1983. We have not come up with a solution yet. We are working to do that.

Finally, I want our Texas teachers to be treated fairly. I want our Texas waitresses and nurses and other moms to be treated fairly, too.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to remind the House, even though we have been talking about the Texas situation over most of the time that has been allocated to this bill, exactly what this bill does and exactly why it is and does receive such high bipartisan support. This holds representative payees accountable for mismanaging benefits and increases representative payee oversight. We support that and you support that. It denies Social Security benefits to fugitive felons. That is right. I support that. You support that. It deters fraud by creating new civil penalties for Social Security fraud. All of us agree to that. It helps individuals with disabilities gain access to representation. These are the people that need it most. We agree with that. You agree with that. It helps disabled beneficiaries return to work. This is something that I think that this Congress has done with a ticket to work, and I think have done it in the best tradition of this House, in a very bipartisan way.

Now we come to a little bump in the road. It does involve Texas. I think the gentleman was quite right to put the sign up, ''Don't Mess with Texas,'' because that is a Texas problem. But Texas has discovered a loophole which folds into their pension plan which is unfair to the rest of the country. The General Accounting Office has told us that this is going to amount to about a half a billion dollars in savings once this goes into place, just simply by treating Texas like the rest of the country.

□ 1145

This is not anti-Texas, and it is not intended to punish anybody. As a matter of fact, those that are already receiving those double benefits and the disability benefits as well as their earned pension plans will continue to do so. They plan for their retirement. So we do not take that away; but we do put fairness into the law, and we say that people who do not pay into Social Security should not get a better deal than those who did pay into Social Security.

With that, Mr. Speaker, I ask for a ''yes'' vote.

Mr. UDALL of Colorado. Mr. Speaker, I support this bill because it includes many necessary provisions to protect Social Security beneficiaries.

However, I do have concerns about one provision, and would have preferred for the bill to be considered under a procedure allowing for amendments.

The troublesome provision is the one related to the ''government pension offset'' part of the Social Security Act.

I understand the rationale for that provision, which would make application of the offset

provision more uniform. However, I think it would be better for this provision to be considered separately, as part of a measure to make other revisions to the government pension offset.

I think the offset should be revised, because as it stands it works a hardship on many people. That is why I am cosponsoring a bill (H.R. 887) which would assure that the offset will not reduce Social Security benefits below $2,000 per month. I hope the House will soon take up that much-needed legislation.

Mr. ORTIZ. Mr. Speaker, the original intent of this bill was a worthy one: to reimburse Social Security benefits if they are misused by people representing the recipient.

That's not controversial . . . but the provision reducing the spousal Social Security benefits for countless teachers, school support personnel, police officers, firefighters, and other public servants is most certainly controversal—and I intent to oppose the entire bill since it contains this provision that will adversely affect teachers and others across Texas. These are people we should be protecting.

We need to understand that targeting pensions of teachers and other school employees will discourage qualified individuals from entering the classroom at exactly the time when the nation is experiencing a shortage of teachers. We say we are committed to education . . . yet in this bill we are profoundly uncommitted to educators.

The teachers across the state of Texas are largely women and are not wealthy people. They depend on the benefits of both them and their spouses; nearly all are part of two-income families. We are being monumentally unfair to them by changing the rules late in the game.

Since we are ramrodding this bill through the House with non-controversial bills today, be on notice that our opposition efforts will not end here.

I am a co-sponsor of HR 594, a bill introduced in the 108th Congress that will eliminate the Government Pension Offset and the Windfall Elimination Provisions that target our teachers and other public servants by denying them the opportunity to retain their full spousal Social Security benefits.

Mr. Speaker, I am deeply disappointed that this provision was included in an otherwise good bill.

Mrs. TUBBS JONES of Ohio. Mr. Speaker, I rise in support of H.R. 743. First, I would like to acknowledge Mr. MATSUI for working diligently on the Social Security Act of 2003.

As we all know, H.R. 743 will extend the direct fee withholding program payment to attorneys who represent supplemental security income claimants, thus encouraging more attorneys to represent them.

It is vital that we pass legislation that addresses the major concerns of our seniors, the blind, and the disabled.

This legislation imposes greater standards on individuals and organizations that serve as representative payees for Social Security and supplemental security income recipients; this legislation will make non-governmental representative payees liable for ''misused'' funds and subject them to civil monetary penalties; H.R. 743 will reduce the fee assessments from the Social Security Administration that charges attorneys for fee withholding.

Overall, the Social Security Act of 2003 will be beneficial to recipients and those who serve as representatives for recipients.

Furthermore, H.R. 743 will make a number of technical changes designed to reduce Social Security fraud and abuse.

Mr. Speaker, I will close my statement for the record with supporting H.R. 743.

Mr. REYES. Mr. Speaker, I rise today in recognition of the hard work of our nation's teachers, particularly in El Paso, Texas, which I proudly represent. My community, like many other communities across the country, are suffering from a teacher shortage. Our schools lack teachers in many important areas of study, such as math, science, and special education. Meanwhile, teacher salaries are still insufficient and it is difficult to recruit qualified personnel when salaries are not atttractive.

I know full well the effort and hard work that teachers dedicate to their students. My wife was a teacher for many years and my daughter, who just completed her doctorate degree in education, is currently an administrator at a local school district. I believe the teaching profession is one of the most honorable professions. I credit our teachers with laying the foundation for the future of our country and the world. In addition to teaching children the basic skills they need, teachers are an important guiding force for our children. After parents, they are one of the greatest influences on children. We therefore need to make sure we have well-qualified and well-paid teachers educating students.

As you know Mr. Speaker, passage of this bill before us would reduce the spousal Social Security benefits for countless teachers. H.R. 743 also affects school support personnel, police officers, firefighters, and other public servants. At a time when multi-billion dollar tax breaks are being given to our country's top income earners, our teachers and other public servants would be penelized through this bill. These are people we should be protecting. We should not make them pay for the tax cuts we give those who are more fortunate. This bill negatively affects teachers and other public servants in my state of Texas. For that reason I will be voting against this bill.

Mr. Speaker, I have co-sponsored H.R. 594, a bill introduced by my colleague Mr. MCKEON that will eliminate the Government Pension Offset and the Windfall Elimination Provisions that target our teachers and other public servants by denying them the opportunity to retain their full spousal Social Security benefits.

I strongly urge my colleagues to oppose H.R. 743 and continue to support our teachers.

Mr. ROYCE. Mr. Speaker, I am firmly committed to protecting Social Security for current recipients and for those who will be retiring in the near future. So, I want to thank the Chairman of the Subcommittee on Social Security, Mr. Shaw for his efforts to strengthen the financial security of our Nation's retirement system. I support the Social Security Protection Act, and I was pleased to support this bill when it passed the House unanimously last year. It is unfortunate that the House and Senate couldn't work out a final version before the end of the 107th Congress.

This bill stops fugitive felons from receiving benefits. The CBO estimates we will pay over $500 million to fugitive felons over the next 10 years from the Social Security trust funds.

The Social Security Administration appoints representatives payees for many beneficiaries to help manage their financial affairs when they are not able. This bill protects these beneficiaries from representative payees who may misuse their benefits.

Mr. Speaker, this bill helps put the Security back in Social Security and I look forward to its passage.

Mr. HINOJOSA. Mr. Speaker, I rise in strong opposition to H.R. 743. I do so, not because I oppose ending Social Security fraud and abuse, but because of a section that is damaging to state and municipal employees. Section 418 is bad for teachers, police officers, fire fighters and other state and local workers in Texas who receive government pensions that are currently being reduced because of the Government Pension Offset provision of the Social Security Act. Section 418 would require experienced public servants to quit their jobs prematurely and work for the private sector for the 5 years before they retire in order to avoid the offset. We all know that our Nation has a critical shortage of teachers and public safety personnel. This provision will only exacerbate the problem.

The teachers of Texas have been writing and calling my office to protest this long-standing offset provision that is taking away Social Security benefits that they and their spouses have earned. At a time when federal and state budgets for education are being slashed, this is just one more slap in the face to those who are working hard to educate our children. We need to let them know that education is a national priority and that we value their dedication.

Instead of this bill that will provide no relief for these hardworking public servants, I urge the majority to bring H.R. 594, introduced by Congressman MCKEON and which I proudly co-sponsor, to the House floor for a vote. This legislation would repeal both the Government Pension Offset and the ''Windfall Elimination Provision'', another portion of the Social Security Act that is penalizing state and local government employees.

I encourage my colleagues to move quickly to bring real relief to teachers and other public employees by considering H.R. 594 or failing that, by bringing H.R. 743 to the floor under regular order so that this damaging Section 418 provision can be removed. Our public servants deserves no less.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to register my strong support for the Social Security Protection Act of 2003 (H.R. 743).

While I recognize there are differences between Republicans and Democrats on how to address the long-term solvency problems facing Social Security, I am pleased to see that we can work together to address other important issues facing the program.

H.R. 743 is a common-sense bill that provides the Social Security Administration with the necessary resources and tools to fight fraud and abuse. Along with other provisions in the bill, this will save taxpayers $656 million over ten years. In addition, the legislation improves the landmark Ticket to Work law to help people with disabilities find work.

H.R. 743 also adds Kentucky to the list of states that offer divided retirement systems. In January, the former governments of the City of Louisville and Jefferson County merged. Since the merger was approved by the people of Jefferson County in November 2000, local and state officials have been working together to ensure that the transition was without problems. All indications are that it has been a success.

One important issue, however, that needs to be addressed is how to provide Social Security and Medicare coverage to hazardous duty employees working for the county and the city. Since January 6, 2003, all officers are considered a single group for Social Security coverage purposes. Prior to the merger some police officers and firefighters contributed to Medicare, but not Social Security. Some contributed to both; others neither.

As we can see, ensuring fair and equal coverage presents a serious challenge to the new government. After working with all interested parties, it was agreed that a divided retirement system is the solution. Currently 21 states use this system.

Under a divided retirement system, each employee will decide whether or not to pay into Social Security. All new employees hired after the system is in place would automatically be enrolled in Social Security.

The Kentucky Division of Social Security has started the education process with representatives from the Social Security Administration and the groups that represents the hazardous duty employees. Last year, the Kentucky General Assembly adopted a bill that allows this system to go forward as soon as Congress approves this legislation and President Bush signs it into law.

In closing, I would like to thank Chairman SHAW and Ranking Member MATSUI for including this important provision in H.R. 743 and urge my colleagues to support the bill.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILCHREST). The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 743, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DOGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 743.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2003

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

The Clerk read as follows:

H.R. 1047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Miscellaneous Trade and Technical Corrections Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1192. Certain other textile printing machinery.
Sec. 1193. D-Mannose.
Sec. 1194. Benzamide, N-methyl-2-[[3-[(1e)-2-(2-pyridinyl)-ethenyl]-1H-indazol-6-yl)thio]-.
Sec. 1195. 1(2H)-Quinolinecarboxylic acid, 4-[[[3,5-bis(trifluoromethyl)phenyl] methyl](methoxycarbonyl)amino]-2-ethyl- 3,4-dihydro-6-(trifluoromethyl)-, ethyl ester, (2R,4S)-(9CI).
Sec. 1196. Disulfide,bis(3,5-dichlorophenyl)(9C1).
Sec. 1197. Pyridine, 4-[[4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-1H-midazol-1-yl] methyl]-ethanedioate (1:2).
Sec. 1198. Paclobutrazole technical.
Sec. 1199. Paclobutrazole 2SC.
Sec. 1200. Methidathion technical.
Sec. 1201. Vanguard 75 WDG.
Sec. 1202. Wakil XL.
Sec. 1203. Mucochloric acid.
Sec. 1204. Azoxystrobin technical.
Sec. 1205. Flumetralin technical.
Sec. 1206. Cyprodinil technical.
Sec. 1207. Mixtures of lambda-cyhalothrin.
Sec. 1208. Primisulfuron methyl.
Sec. 1209. 1,2 Cyclohexanedione.
Sec. 1210. Difenoconazole.
Sec. 1211. Certain refracting and reflecting telescopes.
Sec. 1212. Phenylisocyanate.
Sec. 1213. Bayowet FT-248.
Sec. 1214. p-Phenylphenol.
Sec. 1215. Certain rubber riding boots.
Sec. 1216. Chemical RH water-based.
Sec. 1217. Chemical NR ethanol-based.
Sec. 1218. Tantalum capacitor ink.
Sec. 1219. Certain sawing machines.
Sec. 1220. Certain sector mold press manufacturing equipment.
Sec. 1221. Certain manufacturing equipment used for molding.
Sec. 1222. Certain extruders.
Sec. 1223. Certain shearing machines.
Sec. 1224. Thermal release plastic film.
Sec. 1225. Certain silver paints and pastes.
Sec. 1226. Polymer masking material for aluminum capacitors (UPICOAT).
Sec. 1227. OBPA.
Sec. 1228. Macroporous ion-exchange resin.
Sec. 1229. Copper 8-quinolinolate.
Sec. 1230. Ion-exchange resin.
Sec. 1231. Ion-exchange resin crosslinked with ethenylbenzene, aminophosponic acid.
Sec. 1232. Ion-exchange resin crosslinked with divinylbenzene, sulphonic acid.
Sec. 1233. 3-[(4 Amino-3-methoxyphenyl) azo]-benzenesulfonic acid.
Sec. 1234. 2-Methyl-5-nitrobenzenesulfonic acid.
Sec. 1235. 2-Amino-6-nitro-phenol-4-sulfonic acid.
Sec. 1236. 2-Amino-5-sulfobenzoic acid.
Sec. 1237. 2,5 Bis [(1,3 dioxobutyl) amino] benzene sulfonic acid.
Sec. 1238. p-Aminoazobenzene 4 sulfonic acid, monosodium salt.
Sec. 1239. p-Aminoazobenzene 4 sulfonic acid.
Sec. 1240. 3-[(4 Amino-3-methoxyphenyl) azo]-benzene sulfonic acid, monosodium salt.
Sec. 1241. ET-743 (Ecteinascidin).
Sec. 1242. 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-1,3,5-triazin-2-yl] amino]-1-methylethyl]amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydrox¼-, sodium salt.
Sec. 1243. 1,5-Naphthalenedisulfonic acid, 3-[[2-(acetylamino)-4-[[4-[[2-[2-(ethenylsulfonyl)ethoxy]ethyl] amino]-6-fluoro-1,3,5-triazin-2-yl]amino]phenyl]azo]-, disodium salt.
Sec. 1244. 7,7¼-[1,3-Propanediylbis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis-, sodium salt.
Sec. 1245. Cuprate(3-),[2-[[[[3-[[4-[[2-[2-(ethenylsulfony-l)ethoxy]ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-2-(hydroxy-.kappa.O)-5-sulfophenyl]azo-.kappa.N2]phenylmethyl]azo-.kappa.N1]-4-sulfobenzoato(5-)-.kappa.O], trisodium.
Sec. 1246. 1,5-Naphthalenedisulfonic acid, 2-[[8-[[4-[[3-[[[2- (ethenylsulfonyl) ethyl]amino]car bonyl]phenyl] amino]-6-fluoro-1,3,5- triazin-2-yl]amino]-1- hydroxy-3,6-disulfo-2- naphthalenyl]azo]-, tetrasodium salt.
Sec. 1247. PTFMBA.
Sec. 1248. Benzoic acid, 2-amino-4-[[(2,5-dichlorophenyl) amino]carbonyl]-, methyl ester.
Sec. 1249. Imidacloprid pesticides.
Sec. 1250. Beta-cyfluthrin.
Sec. 1251. Imidacloprid technical.
Sec. 1252. Bayleton technical.
Sec. 1253. Propoxur technical.
Sec. 1254. MKH 6561 isocyanate.
Sec. 1255. Propoxy methyl triazolone.
Sec. 1256. Nemacur VL.
Sec. 1257. Methoxy methyl triazolone.
Sec. 1258. Levafix golden yellow E-G.
Sec. 1259. Levafix blue CA/Remazol blue CA.
Sec. 1260. Remazol yellow RR gran.
Sec. 1261. Indanthren blue CLF.
Sec. 1262. Indanthren yellow F3GC.
Sec. 1263. Acetyl chloride.
Sec. 1264. 4-Methoxy-phenacychloride.
Sec. 1265. 3-Methoxy-thiophenol.
Sec. 1266. Levafix brilliant red E-6BA.
Sec. 1267. Remazol BR. blue BB 133%.
Sec. 1268. Fast navy salt RA.
Sec. 1269. Levafix royal blue E-FR.
Sec. 1270. p-Chloro aniline.
Sec. 1271. Esters and sodium esters of parahydroxy benzoic acid.
Sec. 1272. Santolink EP 560.
Sec. 1273. Phenodur VPW 1942.
Sec. 1274. Phenodur PR 612.
Sec. 1275. Phenodur PR 263.
Sec. 1276. Macrynal SM 510 and 516.
Sec. 1277. Alftalat AN 725.
Sec. 1278. RWJ 241947.
Sec. 1279. RWJ 394718.
Sec. 1280. RWJ 394720.
Sec. 1281. 3,4-DCBN.
Sec. 1282. Cyhalofop.
Sec. 1283. Asulam.
Sec. 1284. Florasulam.
Sec. 1285. Propanil.
Sec. 1286. Halofenozide.
Sec. 1287. Ortho-phthalaldehyde.
Sec. 1288. Trans 1,3-dichloropentene.
Sec. 1289. Methacrylamide.
Sec. 1290. Cation exchange resin.
Sec. 1291. Gallery.
Sec. 1292. Necks used in cathode ray tubes.
Sec. 1293. Polytetramethylene ether glycol.
Sec. 1294. Leaf alcohol.
Sec. 1295. Combed cashmere and camel hair yarn.
Sec. 1296. Certain carded cashmere yarn.
Sec. 1297. Sulfur black 1.
Sec. 1298. Reduced vat blue 43.
Sec. 1299. Fluorobenzene.
Sec. 1300. Certain rayon filament yarn.
Sec. 1301. Certain tire cord fabric.
Sec. 1302. Direct black 184.
Sec. 1303. Black 263 stage.
Sec. 1304. Magenta 364.
Sec. 1305. Thiamethoxam technical.
Sec. 1306. Cyan 485 stage.
Sec. 1307. Direct blue 307.
Sec. 1308. Direct violet 107.
Sec. 1309. Fast black 286 stage.
Sec. 1310. Mixtures of fluazinam.
Sec. 1311. Prodiamine technical.
Sec. 1312. Carbon dioxide cartridges.
Sec. 1313. 12-Hydroxyoctadecanoic acid, reaction product with *N,N*-dimethyl, 1,3-propanediamine, dimethyl sulfate, quaternized.
Sec. 1314. 40 Percent polymer acid salt/polymer amide, 60 percent butyl acetate.
Sec. 1315. 12-Hydroxyoctadecanoic acid, reaction product with *N,N*-dimethyl- 1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene.
Sec. 1316. Polymer acid salt/polymer amide.
Sec. 1317. 50 Percent amine neutralized phosphated polyester polymer, 50 percent solvesso 100.
Sec. 1318. 1-Octadecanaminium, N,N-dimethyl-N-octadecyl-, (sp-4-2)-[29H,31H-phtha- locyanine-2-sulfonato(3-)-.kappa.N29,.kappa.N30,.kappa.N31,.kappa.N32]cuprate(1-).
Sec. 1319. Chromate(1-),bis{1- {(5-chloro–2-hydroxyphenyl) azo}–2-napthal enolato(2-)}-,hydrogen.
Sec. 1320. Bronate advanced.
Sec. 1321. N-Cyclohexylthiophthalimide.
Sec. 1322. Certain high-performance loudspeakers.
Sec. 1323. Bio-set injection RCC.
Sec. 1324. Penta amino aceto nitrate cobalt III (coflake 2).
Sec. 1325. Oxasulfuron technical.
Sec. 1326. Certain manufacturing equipment.
Sec. 1327. 4-Aminobenzamide.
Sec. 1328. Foe hydroxy.
Sec. 1329. Magenta 364 liquid feed.
Sec. 1330. Tetrakis.
Sec. 1331. Palmitic acid.
Sec. 1332. Phytol.
Sec. 1333. Chloridazon.
Sec. 1334. Disperse orange 30, disperse blue 79:1, disperse red 167:1, disperse yellow 64, disperse red 60, disperse blue 60, disperse blue 77, disperse yellow 42, disperse red 86, and disperse red 86:1.
Sec. 1335. Disperse blue 321.
Sec. 1336. Direct black 175.
Sec. 1337. Disperse red 73 and disperse blue 56.
Sec. 1338. Acid black 132 and acid black 172.
Sec. 1339. Acid black 107.
Sec. 1340. Acid yellow 219, acid orange 152, acid red 278, acid orange 116, acid orange 156, and acid blue 113.
Sec. 1341. Europium oxides.
Sec. 1342. Luganil brown NGT powder.
Sec. 1343. Thiophanate-methyl.
Sec. 1345. Hydrated hydroxypropyl methylcellulose.
Sec. 1346. Polymenthylpentene (TPX).
Sec. 1347. Certain 12-volt batteries.
Sec. 1348. Certain prepared or preserved artichokes.
Sec. 1349. Certain other prepared or preserved artichokes.
Sec. 1350. Ethylene/tetrafluoroethylene copolymer (ETFE).
Sec. 1351. Acetamiprid.
Sec. 1352. Certain manufacturing equipment.
Sec. 1353. Triticonazole.
Sec. 1354. Certain textile machinery.
Sec. 1355. 3-Sulfinobenzoic acid.
Sec. 1356. Polydimethylsiloxane.
Sec. 1357. Baysilone fluid.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.29.06	9902.30.65	9902.33.07
9902.29.09	9902.30.90	9902.33.08
9902.29.11	9902.30.91	9902.33.09
9902.29.12	9902.30.92	9902.33.10
9902.29.15	9902.31.12	9902.33.11
9902.29.18	9902.31.13	9902.33.12
9902.29.19	9902.31.14	9902.33.16
9902.29.20	9902.31.21	9902.33.19
9902.29.21	9902.32.01	9902.33.66
9902.29.23	9902.32.08	9902.33.90
9902.29.24	9902.32.11	9902.34.02
9902.29.28	9902.32.13	9902.38.08
9902.29.29	9902.32.14	9902.38.11
9902.29.32	9902.32.16	9902.38.12
9902.29.36	9902.32.29	9902.38.25
9902.29.43	9902.32.30	9902.38.26
9902.29.44	9902.32.31	9902.38.28
9902.29.45	9902.32.33	9902.39.04
9902.29.46	9902.32.34	9902.39.12
9902.29.50	9902.32.35	9902.61.00
9902.29.51	9902.32.36	9902.64.04
9902.29.52	9902.32.37	9902.64.05
9902.29.53	9902.32.38	9902.84.10
9902.29.54	9902.32.39	9902.84.12
9902.29.57	9902.32.40	9902.84.20
9902.29.60	9902.32.41	9902.84.43
9902.29.65	9902.32.42	9902.84.46
9902.29.66	9902.32.43	9902.84.77
9902.29.67	9902.32.45	9902.84.79
9902.29.72	9902.32.51	9902.84.81
9902.29.74	9902.32.54	9902.84.83
9902.29.95	9902.32.56	9902.84.85
9902.30.04	9902.32.70	9902.84.87
9902.30.16	9902.32.94	9902.84.89
9902.30.17	9902.32.95	9902.84.91
9902.30.18	9902.33.01	9902.85.20
9902.30.19	9902.33.02	9902.85.21
9902.30.31	9902.33.03	9902.98.03
9902.30.58	9902.33.04	9902.98.04
9902.30.63	9902.33.05	9902.98.05
9902.30.64	9902.33.06	9902.98.08

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. BITOLYLENE DIISOCYANATE (TODI).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.01	Bitolylene diisocyanate (TODI) (CAS No. 91–97–4) (provided for in subheading 2929.10.20)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1102. 2-METHYLIMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.02	2-Methylimidazole (CAS No. 693–98–1) (provided for in subheading 2933.29.90) ..	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1103. HYDROXYLAMINE FREE BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.03	Hydroxylamine (CAS No. 7803–49–8) (provided for in subheading 2825.10.00)	0.6%	No change	No change	On or before 12/31/2005	’’.

SEC. 1104. PRENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.04	3-Methyl-2-buten-1-ol (CAS No. 556–82–1) (provided for in subheading 2905.29.90)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1105. 1-METHYLIMADAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.05	1-Methylimidazole (CAS No. 616–47–7) (provided for in subheading 2933.29.90) ..	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1106. FORMAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.06	Formamide (CAS No. 75–12–7) (provided for in subheading 2924.19.10)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1107. MICHLER'S ETHYL KETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.07	4,4¼-Bis-(diethylamino)-benzophenone (CAS No. 90–93–7) (provided for in subheading 2922.39.45)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1108. VINYL IMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.08	1-Ethenyl-1H-imidazole (CAS No. 1072–63–5) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1109. DISPERSE BLUE 27.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.09	Disperse blue 27 (9,10-anthracenedione, 1,8-dihydroxy-4-[[4-(2-hydroxyethyl)phenyl]amino]-5-nitro-) (CAS No. 15791–78–3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1110. ACID BLACK 244.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.10	Acid black 244 (chromate(2-), [3-(hydroxy-.kappa.O)-4-[[2-(hydroxy-.kappa.O)-1-naphthalenyl]azo-.kappa.N2]-1-naphthalenesulfonato(3-)] [1-[[2-(hydroxy-.kappa.O)-5-[4-methoxyphenyl)-azo]phenyl]azo-.kappa.N2]-2-naphthalene-sulfonato(2-)-.kappa.O]-, disodium) (CAS No. 30785–74–1) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1111. REACTIVE ORANGE 132.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.11	Reactive orange 132 (benzenesulfonic acid, 2,2¼-[(1-methyl-1,2-ethanediyl)-bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl) amino]-4,1-phenylene]azo]]bis[5-[(4-sulfophenyl)azo]-, sodium salt) (CAS No. 149850–31–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1112. MIXTURES OF ACID RED 337, ACID RED 266, AND ACID RED 361.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.12	Mixtures of acid red 337 (2-naphthalenesulfonic acid, 6-amino-5-[[2-[(cyclohexylmethylamino)-sulfonyl]phenyl]azo]-4-hydroxy-, monosodium salt) (CAS No. 32846–21–2), acid red 266 (2-naphthalenesulfonic acid, 6-amino-5-[[4-chloro-2-(trifluoromethyl)phenyl]azo]-4-hydroxy-, monosodium salt) (CAS No. 57741–47–6), and acid red 361 (2-naphthalenesulfonic acid, 6-amino-4-hydroxy-5-[[2-(trifluoromethyl)phenyl]azo]-, monosodium salt) (CAS No. 67786–14–5) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1113. VAT RED 13.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.13	Vat red 13 ([3,3¼-bianthra[1,9-cd]pyrazole]-6,6¼(1H,1¼H)-dione, 1,1¼-diethyl-) (CAS No. 4203–77–4) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1114. 5-METHYLPYRIDINE-2,3-DICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.14	5-Methylpyridine-2,3-dicarboxylic acid (CAS No. 53636–65–0) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1115. 5-METHYLPYRIDINE-2,3-DICARBOXYLIC ACID DIETHYLESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.15	5-Methylpyridine-2,3-dicarboxylic acid, diethyl ester (CAS No. 112110–16–4) (provided for in subheading 2933.39.61)	1.8%	No change	No change	On or before 12/31/2005	’’.

SEC. 1116. 5-ETHYLPYRIDINE DICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.16	5-Ethylpyridine-2,3-dicarboxylic acid (CAS No. 102268–15–5) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1117. (E)-O(2,5-DIMETHYLPHENOXY METHYL)-2-METHOXY-IMINO-N-METHYLPHENYLACETAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.17	(E)-O-(2,5-Dimethylphenoxy- methyl)-2-methoxyimino-N-methylphenylacetamide (dimoxystrobin) (CAS No. 145451–07–6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1118. 2-CHLORO-N-(4¼CHLOROBIPHENYL-2-YL) NICOTINAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.18	2-Chloro-N-(4¼-chloro-[1,1¼-biphenyl]-2-yl)- nicotinamide (nicobifen) (CAS No. 188425–85–6) (provided for in subheading 2933.39.21)	4.4%	No change	No change	On or before 12/31/2005	''.

SEC. 1119. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.19	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (vinclozolin) (CAS No. 50471–44–8) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1120. DAZOMET.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.20	Tetrahydro-3,5-dimethyl-2H-1,3,5-thiadiazine-2-thione (CAS No. 533–74–4) (dazomet) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1121. PYRACLOSTROBIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.21	Methyl N-(2-[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxymethyl]-phenyl) N-methoxy- carbanose (pyra- clostrobin) (CAS No. 175013–18–0) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1122. 1,3-BENZENEDICARBOXYLIC ACID, 5-SULFO-1,3-DIMETHYL ESTER SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.22	1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester, sodium salt (CAS No. 3965–55–7) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1123. SACCHAROSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.23	Saccharose to be used other than in food for human consumption and not for nutritional purposes (provided for in subheading 1701.99.50)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1124. BUCTRIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.24	Mixtures of bromoxynil octanoate (CAS No. 1689–99–2) with application adjuvants (buctril) (provided for in subheading 3808.30.15)	Free	Free	No change	On or before 12/31/2005	''.

SEC. 1125. (2-BENZOTHIAZOLYTHIO) BUTANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:heading:

''	9902.01.25	(Benzothiazol-2-ylthio)succinic acid (CAS No. 95154–01–1) (provided for in subheading 2934.20.40)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1126. 60–70 PERCENT AMINE SALT OF 2-BENZO-THIAZOLYTHIO SUCCINIC ACID IN SOLVENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.26	(Benzothiazol-2-ylthio)succinic acid (60–70 percent) in solvent (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1127. 4-METHYL-g-OXO-BENZENEBUTANOIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.27	4-Methyl-g-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054–89–0) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1128. MIXTURES OF RIMSULFURON, NICOSULFURON, AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.28	Mixtures of rimsulfuron (N-[[(4,6-dimethoxypyrimidin-2-yl)-amino]carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 122931–48–0), nicosulfuron (2-(((((4,6-dimethoxypyrimidin-2-yl)- amino)carbonyl)-amino)sulfonyl)-N,N-dimethyl-3-pyridinecarboxamide (CAS No. 111991–09–4), and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1129. MIXTURES OF THIFENSULFURON METHYL, TRIBENURON METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.29	Mixtures of thifensulfuron methyl (methyl 3-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)- amino]carbonyl]- amino]sulfonyl]- 2-thiophenecar- boxylate (CAS No. 79277–27–3), tribenuron methyl (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)- methylamino]-carbonyl]- amino]sulfonyl]- benzoate) (CAS No. 101200–48–0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1130. MIXTURES OF THIFENSULFURON METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.30	Mixtures of thifensulfuron methyl (methyl 3-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)- amino]carbonyl]- amino]sulfonyl]-2-thiophenecarboxylate) (CAS No. 79277–27–3) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1131. MIXTURES OF TRIBENURON METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.31	Mixtures of tribenuron methyl (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)methylamino]- carbonyl]amino]- sulfonyl]-benzoate) (CAS No. 101200–48–0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1132. MIXTURES OF RIMSULFURON, THIFENSULFURON METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.32	Mixtures of rimsulfuron (N-[(4,6-dimethoxypyrimidin-2-yl)-aminocarbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide) (CAS No. 122931–48–0); thifensulfuron methyl (methyl 3-[[[[(4-methoxy-6- methyl-1,3,5- triazin-2-yl)- amino]car bonyl]-amino]sulfonyl]-2-thiophenecarboxylate) (CAS No. 79277–27–3); and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1133. VAT BLACK 25.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.33	Anthra[2,1,9-mna]naphth[2,3-h]acridine-5,10,15(16H)-trione, 3-[(9,10-dihydro-9,10-dioxo-1-anthracenyl)- amino]- (Vat black 25) (CAS No. 4395–53–3) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1134. CYCLOHEXANEPROPANOIC ACID, 2-PROPENYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.34	Cyclohexanepro-panoic acid, 2-propenyl ester (CAS No. 2705–87–5) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1135. NEOHELIOPAN HYDRO (2-PHENYLBENZIMIDAZOLE-5-SULFONIC ACID).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.35	2-Phenylbenzimidazole-5-sulfonic acid) (CAS No. 27503–81–7) (provided for in subheading 2933.99.79)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1136. SODIUM METHYLATE POWDER (NA METHYLATE POWDER).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.36	Methanol, sodium salt (CAS No. 124–41–4) (provided for in subheading 2905.19.00)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1137. GLOBANONE (CYCLOHEXADEC-8-EN-1-ONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.37	Cyclohexadec-8-en-1-one (CAS No. 3100–36–5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1138. METHYL ACETOPHENONE-PARA (MELILOT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.38	p-Methyl acetophenone (CAS No. 122–00–9) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1139. MAJANTOL (2,2-DIMETHYL-3-(3-METHYLPHENYL)PROPANOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.39	2,2-Dimethyl-3-(3-methylphenyl)- propanol (CAS No. 103694–68–4) (provided for in subheading 2906.29.20)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1140. NEOHELIOPAN MA (MENTHYL ANTHRANILATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.40	Menthyl anthranilate (CAS No. 134–09–8) (provided for in subheading 2922.49.37)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1141. ALLYL ISOSULFOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.41	Allyl isothiocyanate (CAS No. 57–06–7) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1142. FRESCOLAT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.42	5-Methyl-2-(1-methylethyl)-cyclohexyl-2-hydroxypropanoate (lactic acid, menthyl ester) (Frescolat) (CAS No. 59259–38–0) (provided for in subheading 2918.11.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1143. THYMOL (ALPHA-CYMOPHENOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.43	Thymol (CAS No. 89–83–8) (provided for in subheading 2907.19.40)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1144. BENZYL CARBAZATE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.01.44	Benzyl carbazate (Hydrazine- carboxylic acid, phenylmethyl ester (CAS No. 5331–43–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1145. ESFENVALERATE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.01.45	(S)-Cyano(3-phenoxyphenyl)- methyl (S)-4-chloro-α-(1-methylethyl benzeneacetate (Esfenvalerate) (CAS No. 66230–04–4) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1146. AVAUNT AND STEWARD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.46	Mixtures of indoxacarb ((S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4- (trifluoromethoxy)- phenyl]amino] carbonyl]indeno- [1,2e][1,3,4]- oxadiazine-4a- (3H)carboxylate) (CAS No. 173584–44–6) and application adjuvants (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1147. HELIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.47	Helium (provided for in subheading 2804.29.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1148. ETHYL PYRUVATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.48	Ethyl pyruvate (CAS No. 617–35–6) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1149. DELTAMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.49	(S)-α-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclo- propanecarb- oxylate (Deltamethrin) in bulk or in forms or packings for retail sale (CAS No. 52918–63–5) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1150. ASULAM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.50	Mixtures of methyl sulfanilycarbam- ate, sodium salt (Asulam sodium salt) (CAS No. 2302–17–2) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1151. TRALOMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.52	Tralomethrin (1R,3S)3[(1¼RS)- (1¼,2¼,2¼,2¼-tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)-alpha-cyano-3-phenoxybenzyl ester (CAS No. 66841–25–6) in bulk or in forms or packages for retail sale (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1152. N-PHENYL-N¼-(1,2,3-THIADIAZOL-5-YL)-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.53	N-Phenyl-N¼-1,2,3-thiadiazol-5-ylurea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707–55–2) (provided for in subheading 2934.99.15 or 3808.30.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1153. BENZENEPROPANOIC ACID, ALPHA-2- DICHLORO-5-{4 (DIFLUOROMETHYL)- 4,5-DIHYDRO-3-METHYL-5-OXO-1H-1,2,4-TRIAZOL-1-YL}-4-FLUORO-ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.54	alpha-2- Dichloro-5-[4- (difluoromethyl)- 4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluorobenzenepropanoic acid, ethyl ester (carfentazone-ethyl) (CAS No. 128639–02–1) (provided for in subheading 2933.99.22)	4.9%	No change	No change	On or before 12/31/2005	''.

SEC. 1154. (Z)-(1RS, 3RS)-3-(2-CHLORO-3,3,3 TRIFLOURO-1-PROPENYL)-2,2-DIMETHYL-CYCLOPROPANE CARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.55	(Z)-(1RS,3RS)-3-(2-Chloro-3,3,3-trifluro-1-pro- penyl)-2,2-dimethyl-cyclopropanecarboxylic acid (CAS No. 68127–59–3) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1155. 2-CHLOROBENZYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.56	2-Chlorobenzyl chloride (CAS No. 611–19–8) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1156. (S)-ALPHA-HYDROXY-3-PHENOXYBENZENEACETONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.57	(S)-alpha-Hydroxy-3-phenoxybenzeneacetonitrile (CAS No. 61826–76–4) (provided for in subheading 2926.90.43)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1157. 4-PENTENOIC ACID, 3,3-DIMETHYL-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.58	4-Pentenoic acid, 3,3-dimethyl-, methyl ester (CAS No. 63721–05–1) (provided for in subheading 2916.19.50)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1158. TERRAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.59	Etridiazole [5-ethoxy-3- (trichloromethyl)-1,2,4-thiadiazole] (CAS No. 2593–15–9) (provided for in subheading 2934.99.90) and any mixtures (preparations) containing Etridiazole as the active ingredient (provided for in subheading 3808.20.50)	Free	Free	No change	On or before 12/31/2005	''.

SEC. 1159. 2-MERCAPTOETHANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.60	2-Mercaptoethanol (CAS No. 60–24–2) (provided for in subheading 2930.90.90) ...	Free	Free	No change	On or before 12/31/2005	''.

SEC. 1160. BIFENAZATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.61	Bifenazate (Hydrazinecarb- oxylic acid, 2-(4-methoxy-[1,1- biphenyl]-3-yl)-1-methylethyl ester (CAS No. 149877–41–8) (provided for in subheading 2928.00.25)	Free	Free	No change	On or before 12/31/2005	''.

SEC. 1161. A CERTAIN POLYMER.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.62	Fluoropolymers containing 95 percent or more by weight of the monomer units tetrafluoroethylene, hexafluoropropylene, and vinylidene fluoride (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1162. ETHYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.63	Ethylphenol (CAS No. 123–07–9) (provided for in subheading 2907.19.20)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1163. EZETIMIBE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.64	2-Azetidinone, 1-(4-fluorophenyl)-3-[(3S)-3-(4-fluorophenyl)-3-hydroxypropyl]-4-(4-hydroxyphenyl)-, (3R,4S)-(Ezetimibe) (CAS No. 163222–33–1) (provided for in subheading 2933.79.08)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1164. P-CRESIDINESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.01.65	p-Cresidinesulfonic acid (4-amino-5-methoxy-2-methylbenzene- sulfonic acid) (CAS No. 6471–78–9) (provided for in subheading 2922.29.80)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1165. 2,4 DISULFOBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.66	2,4- Disulfobenzaldehyde (CAS No. 88–39–1) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1166. M-HYDROXYBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.67	m-Hydroxybenzal- dehyde (CAS No. 100–83–4) (provided for in subheading 2912.49.25)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1167. N-ETHYL-N-(3-SULFOBENZYL)ANILINE, BENZENESULFONIC ACID, 3[(ETHYLPHENYLAMINO)METHYL].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.68	N-Ethyl-N-(3-sulfobenzyl)aniline (benzenesulfonic acid, 3-[(ethyl-phenylamino)-methyl]-) (CAS No. 101–11–1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1168. ACRYLIC FIBER TOW.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.69	Acrylic fiber tow (polyacrylonitrile tow) consisting of 6 sub-bundles crimped together, each containing 45,000 filaments (plus or minus 0.06) and 2–8 percent water, such acrylic fiber containing by weight a minimum of 92 percent acrylonitrile, not more than 0.1 percent zinc and average filament denier of either 1.48 decitex (plus or minus 0.08) or 1.32 decitex (plus or minus 0.089) (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1169. YTTRIUM OXIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.21	Yttrium oxides having a purity of at least 99.9 percent (CAS No. 1314–36–9) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1170. HEXANEDIOIC ACID, POLYMER WITH 1,3-BENZENEDIMETHANAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.71	Hexanedioic acid, polymer with 1,3-benzene-dimethanamine (CAS No. 25718–70–1) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1171. N1-[(6-CHLORO-3-PYRIDYL)METHYL]-N2-CYANO-N1-METHYLACETAMIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.72	(E)-N1-[(6-Chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine (Acetamiprid) (CAS No. 135410–20–7) whether or not mixed with application adjuvants (provided for in subheading 2933.39.27 or 3808.10.25)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1172. ALUMINUM TRIS (O-ETHYL PHOSPHONATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.73	Aluminum tris- (O-ethylphosphon- ate) (CAS No. 39148–24–8) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1173. MIXTURE OF DISPERSE BLUE 77 AND DISPERSE BLUE 56.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.74	Mixtures of disperse blue 77 (9,10-anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)-) (CAS No. 20241–76–3) and disperse blue 56 (9,10-anthracenedione, 1,5-diaminochloro-4,8-dihydroxy-) (CAS No. 12217–79–7) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1174. ACID BLACK 194.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.75	Acid black 194 (chromate(3-), bis[3-(hydroxy-.kappa.O)-4-[[2-(hydroxy.kappa.O)-1- naphthalenyl]azo- .kappa. N1]-7-nitro-1-naphthalenesulfonato(3-)]-, trisodium) (CAS No. 57693–14–8) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1175. MIXTURE OF 9,10-ANTHRACENEDIONE, 1,5-DIHYDROXY-4-NITRO-8-(PHENYLAMINO)-AND DISPERSE BLUE 77.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.76	Mixtures of 9,10-anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)-(CAS No. 3065–87–0) and 9,10-anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)- (Disperse blue 77) (CAS No. 20241–76–3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1176. COPPER PHTHALOCYANINE SUBSTITUTED WITH 15 OR 16 GROUPS WHICH COMPRISE 8-15 THIOARYL AND 1-8 ARYLAMINO GROUPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.77	A copper phthalocyanine substituted with 15 or 16 groups which comprise 8-15 thioaryl and 1-8 arylamino groups (provided for in subheading 3204.19.40) ...	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1177. BAGS FOR CERTAIN TOYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.78	Bags (provided for in subheading 4202.92.45) for transporting, storing, or protecting goods of headings 9502–9504, inclusive, imported and sold with such articles therein	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1178. CERTAIN CHILDREN’S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.79	Image projectors (provided for in subheading 9008.30.00) capable of projecting images from circular mounted sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1179. CERTAIN OPTICAL INSTRUMENTS USED IN CHILDREN’S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.80	Optical instruments (provided for in subheading 9013.80.90) designed for the viewing of circular mounted sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1180. CASES FOR CERTAIN CHILDREN’S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.81	Cases or containers (provided for in subheading 4202.92.90) specially designed or fitted for circular mounts for sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter the foregoing imported and sold with such articles therein	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1181. 2,4-DICHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.82	2,4-Dichloroaniline (CAS No. 554–00–7) (provided for in subheading 2921.42.18)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1182. ETHOPROP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.83	O-Ethyl S,S-dipropyl- phosphorodithioate (Ethoprop) (CAS No. 13194–48–4) (provided for in subheading 2930.90.44)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1183. FORAMSULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.84	Mixtures of benzamide, 2-[[[[(4,6-dimethoxy-2-pyrimidinyl)- amino]carbonyl]-amino]sulfonyl]-4-(formylamino)- N,N-methyl- (foramsulfuron) (CAS No. 173159–57–4) and application adjuvants (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2005	’’.

SEC. 1184. CERTAIN EPOXY MOLDING COMPOUNDS.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.85	Epoxy molding compounds, of a kind used for encapsulating integrated circuits (provided for in subheading 3907.30.00)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1185. DIMETHYLDICYANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.86	Dimethyldicyane (2,2¼-dimethyl-4,4¼-methylenebis- (cyclohexylamine)) (CAS No. 6864–37–5) (provided for in subheading 2921.30.30)	Free	Free	No change	On or before 12/31/2005	’’.

SEC. 1186. TRIACETONE DIAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.87	2,2,6,6-Tetra-methyl-4-pip-eridinamine (Triacetone diamine) (CAS No. 36768–62–4) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2005	’’.

SEC. 1187. TRIETHYLENE GLYCOL BIS[3-(3-TERT-BUTYL-4-HYDROXY-5-METHYLPHENYL) PROPIONATE].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

‘‘	9902.01.88	Triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl)propionate] (CAS No. 36443–68–2) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1188. CERTAIN POWER WEAVING TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.89	Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m, entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams (provided for in subheading 8446.21.50)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1189. CERTAIN FILAMENT YARNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.90	Synthetic filament yarn (other than sewing thread) not put up for retail sale, single, of decitex sizes of 23 to 850, with between 4 and 68 filaments, with a twist of 100 to 300 turns/m, of nylon or other polyamides, containing 10 percent or more by weight of nylon 12 (provided for in subheading 5402.51.00)	Free	Free	No change	On or before 12/31/2005	’’.

SEC. 1190. CERTAIN OTHER FILAMENT YARNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.91	Synthetic filament yarn (other than sewing thread) not put up for retail sale, single, of decitex sizes of 23 to 850, with between 4 and 68 filaments, untwisted, of nylon or other polyamides, containing 10 percent or more by weight of nylon 12 (provided for in subheading 5402.41.90)	Free	Free	No change	On or before 12/31/2005	’’.

SEC. 1191. CERTAIN INK-JET TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.92	Ink-jet textile printing machinery (provided for in subheading 8443.51.10)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1192. CERTAIN OTHER TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.93	Textile printing machinery (provided for in subheading 8443.59.10)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1193. D-MANNOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

‘‘	9902.01.94	D-Mannose (CAS No. 3458–28–4) (provided for in subheading 2940.00.60)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1194. BENZAMIDE, N-METHYL-2-[[3-[(1E)-2-(2-PYRIDINYL)-ETHENYL]-1H-INDAZOL-6-YL)THIO]-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.95	Benzamide, N-methyl-2-[[3-[(1E)-2-(2-pyridinyl)-ethenyl]-1H-indazol-6-yl)thio]- (CAS No. 319460–85–0) (provided for in subheading 2933.99.79)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1195. 1(2H)-QUINOLINECARBOXYLIC ACID, 4-[[[3,5-BIS-(TRI FLUOROMETHYL) PHENYL] METHYL] (METHOXYCARBONYL) AMINO]-2-ETHYL- 3,4-DIHYDRO-6- (TRIFLUOROMETHYL)-, ETHYL ESTER, (2R,4S)-(9CI).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.96	1(2H)-Quinolinecarboxylic acid, 4-[[[3,5-bis-(trifluoromethyl)- phenyl]methyl]-(methoxycarb- onyl)amino]-2-ethyl-3,4-dihydro-6-(trifluoromethyl)- ethyl ester, (2R,4S)- (CAS No. 262352–17–0) (provided for in subheading 2933.49.26)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1196. DISULFIDE,BIS(3,5-DICHLOROPHENYL)(9C1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.97	Bis(3,5-dichlorophenyl) disulfide (CAS No. 137897–99–5) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1197. PYRIDINE, 4-[[4-(1-METHYLETHYL)-2-[(PHENYLMETHOXY)METHYL]-1H- MIDAZOL-1-YL] METHYL]- ETHANEDIOATE (1:2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.98	Pyridine, 4-[[4-(1-methylethyl)-2-[(phenylmethoxy)- methyl]-1H-imidazol-1-yl]-methyl]-ethanedioate (1:2) (CAS No. 280129–82–0) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1198. PACLOBUTRAZOLE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.99	(RS,3RS)-1-(4-Chlorophenyl)-4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pentan-3-ol (paclobutrazol) (CAS No. 76738–62–0) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1199. PACLOBUTRAZOLE 2SC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.01	Mixtures of (RS,3RS)-1-(4-chlorophenyl)-4,4-dimethyl-2-(lH-1,2,4-triazol-1-yl)pentan-3-ol (paclobutrazol) (CAS No. 76738–62–0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1200. METHIDATHION TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.02	S-[(5-Methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl)methyl] O,O-dimethyl phosphorodithioate (CAS No. 950–37–8) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1201. VANGUARD 75 WDG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.03	Mixtures of 2-pyrimidinamine, 4-cyclopropyl-6-methyl-N-phenyl- (cyprodinil) (CAS No. 121552–61–2) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1202. WAKIL XL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.04	Mixtures of (R)-2-[(2,6-dimethylphenyl-methoxy)acetyl-amino]propionic acid, methyl ester (mefenoxam) (CAS No. 70630–17–0), 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (fludioxonil) (CAS No. 131341–86–1), and 2-cyano-2-methoxyimino-N-(ethylcarbam-oyl)acetamide (cymoxanil) (CAS No. 57966–95–7) with application adjuvants (the foregoing mixtures provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1203. MUCOCHLORIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.05	2-Butenoic acid, 2,3-dichloro-4-oxo- (mucochloric acid) (CAS No. 87–56–9) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1204. AZOXYSTROBIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.06	Benzeneacetic acid, (E)-2-[[6-(2-cyanophenoxy)-4-pyrimidinyl]oxy]-alpha-(methoxymethyl- ene)-, methyl ester (pyroxystrobin) (CAS No. 131860–33–8) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1205. FLUMETRALIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.07	2-Chloro-N-[2,6-dinitro-4-(tri-fluoromethyl)-phenyl]-N-ethyl-6-fluorobenzene-methanamine (flumetralin) (CAS No. 62924–70–3) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1206. CYPRODINIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.08	2-Pyrimidinamine, 4-cyclopropyl-6-methyl-N-phenyl- (cyprodinil) (CAS No. 121552–61–2) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1207. MIXTURES OF LAMBDA-CYHALOTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.09	Mixtures of cyhalothrin (cyclopropanecarboxylic acid, 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethyl-, cyano(3-phenoxyphenyl)-methyl ester, [1.alpha. (S*),3.alpha. (Z)]-(.+-.)- (CAS No. 91465–08–6) and application adjuvants (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1208. PRIMISULFURON METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.10	Benzoic acid, 2-[[[[[4,6-bis- (difluoromethoxy)-2-pyrimidinyl]- amino]carbonyl]-amino]sulfonyl]-, methyl ester (primisulfuron methyl) (CAS No. 86209–51–0) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1209. 1,2-CYCLOHEXANEDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.11	1,2- Cyclohexanedione (CAS No. 765–87–7) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1210. DIFENOCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.12	1H-1,2,4-Triazole, 1-[[2-[2-chloro-4-(4-chlorophenoxy)-phenyl]-4-methyl-1,3-dioxolan-2-yl]methyl]- (difenoconazole) (CAS No. 119446–68–3) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1211. CERTAIN REFRACTING AND REFLECTING TELESCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.13	Refracting telescopes with 50 mm or smaller lenses and reflecting telescopes with 76 mm or smaller lenses (provided for in subheading 9005.80.40)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1212. PHENYLISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.14	Phenylisocyanate (CAS No. 103–71–9) (provided for in subheading 2929.10.80) ...	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1213. BAYOWET FT-248.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.15	Tetraethylammonium perfluoroctane- sulfonate (CAS No. 56773–42–3) (provided for in subheading 2923.90.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1214. P-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.16	p-Phenylphenol (CAS No. 92–69–3) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1215. CERTAIN RUBBER RIDING BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.17	Horseback riding boots with soles and uppers of rubber, such boots extending above the ankle and below the knee, specifically designed for horseback riding, and having a spur rest on the heel counter (provided for in subheading 6401.92)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1216. CHEMICAL RH WATER-BASED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.18	Chemical RH water-based (iron toluene sulfonate) (comprising 75 percent water, 25 percent p-toluenesulfonic acid (CAS No. 6192–52–5) and 5 percent ferric oxide (CAS No. 1309–37–1)) (provided for in subheading 2904.10.10)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1217. CHEMICAL NR ETHANOL-BASED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.19	Chemical NR ethanol-based (iron toluene sulfonate) (comprising 60 percent ethanol (CAS No. 64–17–5), 33 percent p-toluenesulfonic acid (CAS No. 6192–52–5), and 7 percent ferric oxide (CAS No. 1309–37–1)) (provided for in subheading 2912.12.00)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1218. TANTALUM CAPACITOR INK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.20	Tantalum capacitor ink: graphite ink P7300 of 85 percent butyl acetate, 8 percent graphite, and the remaining balance of non-hazardous resins; and graphite paste P5900 of 92-96 percent water, 1-3 percent graphite (CAS No. 7782–42–5), 0.5-2 percent ammonia (CAS No. 7664–41–7), and less than 1 percent acrylic resin (CAS No. 9003–32–1) (provided for in subheading 3207.30.00)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1219. CERTAIN SAWING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.84.91	Sawing machines certified for use in production of radial tires, designed for off-the-highway use, and for use on a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or 8466.92.50) –	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1220. CERTAIN SECTOR MOLD PRESS MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.84.89	Sector mold press machines to be used in production of radial tires designed for off-the highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1221. CERTAIN MANUFACTURING EQUIPMENT USED FOR MOLDING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.84.88	Machinery for molding, or otherwise forming uncured, unvulcanized rubber to be used in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1222. CERTAIN EXTRUDERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.84.85	Extruders to be used in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1223. CERTAIN SHEARING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.84.81	Shearing machines used to cut metallic tissue certified for use in production of radial tires designed for off-the highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or 8466.94.85) ..	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1224. THERMAL RELEASE PLASTIC FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.26	Thermal release plastic film (with a substrate of polyolefin-based PET/conductive acrylic polymer, release liner of polyethylene terephthalate PET/polysiloxane, pressure sensitive adhesive of acrylic ester-based copolymer, and core of acrylonitrile-butadiene-styrene copolymer) (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1225. CERTAIN SILVER PAINTS AND PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.27	P6100–52 percent silver Ag paint; P7400–52.8 percent silver Ag paint; P7402–61.6 percent silver Ag paste; and P7500–52.8 percent silver Ag paint (provided for in subheading 2843.10.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1226. POLYMER MASKING MATERIAL FOR ALUMINUM CAPACITORS (UPICOAT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.28	Polymer masking material for aluminum capacitors (UPICOAT of 40 percent solute denatured polymide and 60 percent solvent diethyleneglycol dimethylethers (CAS No. 111–96–6)) (provided for in subheading 2909.41.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1227. OBPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.29	10, 1′0-Oxybisphenoxarsine (CAS No. 58–36–6) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1228. MACROPOROUS ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.30	Macroporous ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, thiol functionalized (CAS No. 113834–91–6) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1229. COPPER 8-QUINOLINOLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.31	Copper 8-quinolinolate (oxine-copper) (CAS No. 10380–28–6) (provided for in subheading 2933.49.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1230. ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.32	Ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, iminodiacetic acid, sodium form (CAS No. 244203–30–3) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1231. ION-EXCHANGE RESIN CROSSLINKED WITH ETHENYLBENZENE, AMINOPHOSPONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.33	Ion-exchange resin comprising a copolymer of styrene crosslinked with ethenylbenzene, aminophosphonic acid, sodium form (CAS No. 125935–42–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1232. ION-EXCHANGE RESIN CROSSLINKED WITH DIVINYLBENZENE, SULPHONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.34	Ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, sulfonic acid, sodium form (CAS No. 63182–08–1) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1233. 3-[(4 AMINO-3-METHOXYPHENYL) AZO]-BENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.35	3-[(Amino-3-methoxyphenyl)-azo]benzene sulfonic acid (CAS No. 138–28–3) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1234. 2-METHYL-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.36	2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121–03–9) (provided for in subheading 2904.90.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1235. 2-AMINO-6-NITRO-PHENOL-4-SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.37	2-Amino-6-nitro-phenol-4-sulfonic acid (CAS No. 96–93–5) (provided for in subheading 2922.29.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1236. 2-AMINO-5-SULFOBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.38	2-Amino-5-sulfobenzoic acid (CAS No. 3577–63–7) (provided for in subheading 2922.49.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1237. 2,5 BIS [(1,3 DIOXOBUTYL) AMINO] BENZENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.39	2,5-Bis[(1,3-dioxobutyl)-amino]benzene-sulfonic acid (CAS No. 70185–87–4) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1238. P-AMINOAZOBENZENE 4 SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.40	4-[(4-Amino-phenyl)azo]-benezenesulfonic acid, monosodium salt (CAS No. 2491–71–6) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1239. P-AMINOAZOBENZENE 4 SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.41	4-[(4-Amino-phenyl)azo]-benzenesulfonic acid (CAS No. 104–23–4) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1240. 3-[(4 AMINO-3-METHOXYPHENYL) AZO]-BENZENE SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.42	3-[(4-Amino-3-methoxyphenyl)-azo]benzenesul-fonic acid, monosodium salt (CAS No. 6300–07–8) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1241. ET-743 (ECTEINASCIDIN).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.43	[6R-(6a,6ab,7b, 13b,14b,16a, 20R*)]-5-Acetyloxy-3¼,4¼, 6,6a,7,13,14,16-octahydro-6¼,8,14-trihydroxy-7¼,9-dimethoxy-4,10,23-trimethylspiro[6, 16-b][3]benzazocine-20,1¼(2H)-isoquinolin-19-one (ecteinascidin) (CAS No. 114899–77–3) (provided for in subheading 2934.99.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1242. 2,7-NAPHTHALENEDISULFONIC ACID, 5-[[4-CHLORO-6-[[2-[[4-FLUORO-6-[[5-HYDROXY-6-[(4-METHOXY-2-SULFOPHENYL)AZO]-7-SULFO-2-NAPHTHALENYL]AMINO]-1,3,5-TRIAZIN-2-YL] AMINO]-1-METHYLETHYL]AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-3-[[4-(ETHENYLSULFONYL)PHENYL]AZO]-4-HYDROX′-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.44	2,7-Naphthalene- disulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]-amino]-1,3,5-triazin-2-yl]- amino]-1-methylethyl]-amino]-1,3,5-triazin-2-yl]-amino]-3-[[4-(ethenylsulfonyl)-phenyl]azo]-4-hydroxy, sodium salt (CAS No. 168113–78-8) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1243. 1,5-NAPHTHALENEDISULFONIC ACID, 3-[[2-(ACETYLAMINO)-4-[[4-[[2-[2- (ETHENYLSULFONYL) ETHOXY] ETHYL] AMINO]-6-FLUORO-1,3,5-TRIAZIN-2-YL]AMINO]PHENYL]AZO]-, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.45	1,5-Naphthalenedi- sulfonic acid, 3-[[2-(acetylamino)-4-[[4-[[2-[2-(ethenylsulfonyl)- ethoxy]-ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]- amino]-phenyl]azo]-, disodium salt (CAS No. 98635–31–5) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1244. 7,7′-[1,3-PROPANEDIYLBIS[IMINO(6-FLUORO-1,3,5-TRIAZINE-4,2-DIYL)IMINO[2-[(AMINOCARBONYL)AMINO]-4,1-PHENYLENE]AZO]]BIS-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.46	7,7′-[1,3-Propanediylbis-[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)-amino]-4,1-phenylene]azo]]bis-, sodium salt (CAS No. 143683–24–3) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1245. CUPRATE(3-), [2-[[[[3-[[4-[[2-[2- (ETHENYLSULFONYL) ETHOXY] ETHYL]AMINO]-6-FLUORO-1,3,5-TRIAZIN-2- YL]AMINO]-2-(HYDROXY-.KAPPA.O)-5-SULFOPHENYL]AZO-.KAPPA.N2] PHENYLMETHYL]AZO-.KAPPA.N1]-4-SULFOBENZOATO (5-)-.KAPPA.O], TRISODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.47	Cuprate(3-), [2-[[[[3-[[4-[[2-[2- (ethenylsulfonyl)- ethoxy]-ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]-amino]-2-(hydroxy-.kappa.O)-5-sulfophenyl]azo-.kappa.N2]- phenylmethyl]azo-.kappa.N1]-4-sulfobenzoato(5-)-.kappa.O], trisodium (CAS No. 106404–06–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1246. 1,5-NAPHTHALENEDISULFONIC ACID, 2-[[8-[[4-[[3-[[[2-(ETHENYLSULFONYL) ETHYL] AMINO]CARBONYL]PHENYL] AMINO]-6-FLUORO-1,3,5-TRIAZIN-2-YL]AMINO]-1-HYDROXY-3,6-DISULFO-2-NAPHTHALENYL]AZO]-, TETRASODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.48	1,5-Naphthalenedi/sulfonic acid, 2-[[8-[[4-[[3-[[[2/(ethenylsulfonyl)-ethyl]-amino]carbonyl]- phenyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-1-hydroxy-3,6-disulfo-2-naphthalenyl]-azo]-, tetrasodium salt (CAS No. 116912-36-8) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1247. PTFMBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.02.49	p-(Trifluro-methyl)benzaldehyde (CAS No. 455–19–6) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1248. BENZOIC ACID, 2-AMINO-4-[[(2,5-DICHLOROPHENYL)AMINO] CARBONYL]-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.51	Benzoic acid, 2-amino-4-[[(2,5-dichlorophenyl)-amino]carbonyl]-, methyl ester (CAS No. 59673–82–4) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1249. IMIDACLOPRID PESTICIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.52	Mixtures of imidacloprid (1-[(6-Chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidini- mine) (CAS No. 138261–41–3) with application adjuvants (provided for in subheading 3808.10.25)	5.7%	No change	No change	On or before 12/31/2005	".

SEC. 1250. BETA-CYFLUTHRIN.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.54	beta-Cyfluthrin (CAS No. 68359–37–5) (provided for in subheading 2926.90.30) ..	4.3%	No change	No change	On or before 12/31/2005	".

SEC. 1251. IMIDACLOPRID TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.55	Imidacloprid (1-[(6-Chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidini-mine) (CAS No. 138261–41–3) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1252. BAYLETON TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.56	Triadimefon (1-(4-chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone) (CAS No. 43121–43–3) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1253. PROPOXUR TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.57	Propoxur (2-(1-methylethoxy)-phenol methyl-carbamate) (CAS No. 114–26–1) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1254. MKH 6561 ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.58	A mixture of 30 percent 2-(carbomethoxy)-benzenesulfonyl isocyanate (CAS No. 13330–20–7) and 70 percent xylenes (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1255. PROPOXY METHYL TRIAZOLONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.59	A mixture of 20 percent propoxy-methyltriazolone (3H-1,2,4-triazol-3-one, 2,4- dihydro-4-methyl-5-propoxy-) (CAS No. 1330–20–7) and triazolone (3H-1,2,4-triazol-3-one, 2,4- dihydro-4-methyl-5-propoxy-) (CAS No. 1330–2–7) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1256. NEMACUR VL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.60	Fenamiphos (ethyl 4-(methylthio)-m-tolyl-isospropylphos- phoramidate) (CAS No. 22224–92–6) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1257. METHOXY METHYL TRIAZOLONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.61	2,4-Dihydro-5-methoxy-4-methyl-3*H*-1,2,4-triazol-3-one (CAS No. 135302–13–5) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1258. LEVAFIX GOLDEN YELLOW E-G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.62	Reactive yellow 27 (1H-Pyrazole-3-carboxylic acid, 4-[[4-[[(2,3-dichloro-6-quinoxalinyl)car-bonyl]amino]-2- sulfophenyl]- azo]-4,5- dihydro-5-oxo-1- (4-sulfophenyl)-, trisodium salt) (CAS No. 75199–00–7) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1259. LEVAFIX BLUE CA/REMAZOL BLUE CA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.63	Cuprate(4-), [2-[[3-[[substituted]-1,3,5-triazin-2-yl]amino]-2-hydroxy-5-sulfophenyl]- (substituted)azo], sodium salt (CAS No. 156830–72–7)(provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1260. REMAZOL YELLOW RR GRAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.64	Benzenesulfonic- acid, 2-amino-4-(cyanoamino)-6-[(3-sulfo-phenyl)amino]-1,3,5-triazin-2-yl]amino]-5-[[4-[[2-(sulfoxy)- ethyl]sulfonyl]- phenyl]azo]-, lithium/sodium salt (CAS No. 189574–45–6) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1261. INDANTHREN BLUE CLF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.65	Vat blue 66 (9,10-Anthra-cenedione, 1,1′-[(6-phenyl-1,3,5-triazine-2,4-diyl)diimino]- bis[3-acetyl-4- amino-) (CAS No. 32220–82–9) (provided for in subheading 3204.15.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1262. INDANTHREN YELLOW F3GC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.66	Vat yellow 33 ([1,1′-Biphenyl]- 4-carboxamide, 4′,4‴-azobis[N-(9,10-dihydro-9,10-dioxo-1-anthracenyl)-) (CAS No. 12227–50–8) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1263. ACETYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.67	Acetyl chloride (CAS No. 75–36–5) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1264. 4-METHOXY-PHENACYCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.68	4-Methoxyphena-cyl chloride (CAS No. 2196–99–8) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1265. 3-METHOXY-THIOPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.69	3-Methoxy-thiophenol (CAS No. 15570–12–4) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1266. LEVAFIX BRILLIANT RED E-6BA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.70	Reactive red 159 (2,7-naphthalenedisulfonic acid, 5-(benzoylamino)- 3-[[5-[[(5-chloro-2,6-difluoro-4-pyrimidinyl)-amino]methyl]- 1-sulfo-2- naphthalenyl]-azo]-4-hydroxy-, lithium sodium salt) (CAS No. 83400–12–8) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1267. REMAZOL BR. BLUE BB 133 PERCENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.71	Reactive blue 220 (cuprate(4-), [4,5-dihydro-4- [[8-hydroxy-7-[[2-hydroxy-5-methoxy-4-[[2-(sulfoxy)ethyl]- sulfonyl]- phenyl]azo]-6- sulfo-2-naphthal-enyl]azo]-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3- carboxylato(6-)]-, sodium) (CAS No. 90341–71–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1268. FAST NAVY SALT RA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.72	Benzenediazonium, 4-[(2,6- dichloro-4-nitrophenyl)azo]-2,5-dimethoxy-, (T-4)-tetra- chlorozincate(2-) (2:1) (CAS No. 63224–47–5) (provided for in subheading 2927.00.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1269. LEVAFIX ROYAL BLUE E-FR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.73	Reactive blue 224 (ethanol, 2,2′-[[6,13-dichloro-3,10-bis[[2-sulfoxy)-ethyl]amino]- triphenodioxaz-inediyl]bis(sul-fonyl)]bis-, bis(hydrogen sulfate) ester, potassium sodium salt (CAS No. 108692–09–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1270. P-CHLORO ANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.74	p-Chloroaniline (CAS No. 106–47–8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1271. ESTERS AND SODIUM ESTERS OF PARAHYDROXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.75	Methyl 4-hydroxybenzoate (CAS No. 99–76–3); propyl 4-hydroxybenzoate (CAS No. 94–13–3); ethyl 4-hydroxybenzoate (CAS No. 120–47–8); butyl 4-hydroxybenzoate (CAS No. 94–26–8); benzyl 4-hydroxybenzoate (CAS No. 94–18–8); methyl 4-hydroxybenzoate, sodium salt (CAS No. 5026–62–0); propyl 4-hydroxybenzoate, sodium salt (CAS No. 35285–69–9); ethyl 4-hydroxybenzoate, sodium salt (CAS No. 35285–68–8); and butyl 4-hydroxybenzoate, sodium salt (CAS No. 36457–20–2) (all the foregoing provided for in subheading 2918.29.65 or 2918.29.75)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1272. SANTOLINK EP 560.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.76	Phenol-formaldehyde polymer, butylated (CAS No. 96446–41–2) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1273. PHENODUR VPW 1942.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.77	Phenol, 4,4′-(1-methylethyl-idene)bis-, polymer with (chloromethyl)-oxirane and phenol polymer with formaldehyde modified with chloroacetic acid (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1274. PHENODUR PR 612.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.78	Formaldehyde, polymer with 2-methylphenol, butylated (CAS No. 118685–25–9) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1275. PHENODUR PR 263.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.79	Phenol, polymer with formaldehyde (CAS No. 126191–57–9) and urea, polymer with formaldehyde (CAS No. 68002–18–6) dissolved in a mixture of isobutanol and n-butanol (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1276. MACRYNAL SM 510 AND 516.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.80	Neodecanoic acid, oxiranylmethyl ester, polymer with ethenylbenzene, 2-hydroxyethyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate and 2-propenoic acid (CAS No. 98613–27–5) (provided for in subheading 3906.90.50) ...	Free	No change	No change	On or before 12/31/2005	".

SEC. 1277. ALFTALAT AN 725.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.81	1,3-Benzenedicarboxylic acid, polymer with 1,4-benzenedicarboxylic acid and 2,2-dimethyl-1,3-propanediol (CAS No. 25214–38–4) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1278. RWJ 241947.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.82	(+)-5-[[6-[(2-Fluorophenyl)- methoxy]-2- naphthalenyl]-methyl]-2,4-thiazolidinedione (CAS No. 161600–01–7) (provided for in subheading 2934.10.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1279. RWJ 394718.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.83	1-Propanone, 3-(5-benzofuranyl)-1-[2-hydroxy-6-[[6-O-(methoxycarbonyl-beta-D-glucopyranosyl]-oxy]-4-methylphenyl- (CAS No. 209746–59–8) (provided for in subheading 2932.99.61)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1280. RWJ 394720.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.84	3-(5-Benzofuranyl)-1-[2-β-D-glucopyranosyloxy- 6-hydroxy-4-methylphenyl]-1-propanone (CAS No. 209746–56–5) (provided for in subheading 2932.99.61)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1281. 3,4-DCBN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.85	3,4-Dichlorobenzonitrile (CAS No. 6574–99–8) (provided for in subheading 2926.90.12)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1282. CYHALOFOP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.86	Propanoic acid, 2-[4-(cyano-2-fluorophenoxy)-phenoxy]butyl ester(2R) (CAS No. 122008–85–9) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1283. ASULAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.87	Methyl sulf-anilylcarbamate, sodium salt (asulam sodium salt) (CAS No. 2302–17–2) imported in bulk form (provided for in subheading 2935.00.75), or imported in forms or packings for retail sale or mixed with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1284. FLORASULAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.88	Mixtures of florasulam ([1,2,4]- triazolo[1,5-c]- pyrimidine-2-sulfonamide, N-(2,6-difluorophenyl)-8-fluoro-5-methoxy-) (CAS No. 145701–23–1) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1285. PROPANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.89	Propanamide, N-(3,4-dichlorophenyl)-(CAS No. 709–98–8) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1286. HALOFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.90	Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl)-hydrazide (halofenozide) (CAS No. 112226–61–6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1287. ORTHO-PHTHALALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.92	1,2-Benzenedicarboxaldehyde (CAS No. 643–79–8) (provided for in subheading 2912.29.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1288. TRANS 1,3-DICHLOROPENTENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

“	9902.02.93	Mixed cis and trans isomers of 1,3-dichloro-propene (CAS No. 10061–02–6) (provided for in subheading 2903.29.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1289. METHACRYLAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.94	Methacrylamide (CAS No. 79–39–0) (provided for in subheading 2924.19.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1290. CATION EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.95	2-Propenoic acid, polymer with diethenylbenzene (CAS No. 9052–45–3) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1291. GALLERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.96	N-[3-(1-Ethyl-1-methylpropyl)-5-isoxazolyl]-2,6-dimethoxybenz-amide (isoxaben) (CAS No. 82558–50–7) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1292. NECKS USED IN CATHODE RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.97	Necks used in cathode ray tubes (provided for in subheading 7011.20.80)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1293. POLYTETRAMETHYLENE ETHER GLYCOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

“	9902.02.98	Polytetramethylene ether glycol (tetrahydro-3-methylfuran, polymer with tetrahydrofuran) (CAS No. 38640–26–5) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1294. LEAF ALCOHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

“	9902.02.99	cis-3-Hexen-1-ol (CAS No. 928–96–1) (provided for in subheading 2905.29.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1295. COMBED CASHMERE AND CAMEL HAIR YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.01	Yarn of combed cashmere or yarn of camel hair (provided for in subheading 5108.20.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1296. CERTAIN CARDED CASHMERE YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.02	Yarn of carded cashmere of 6 run or finer (equivalent to 19.35 metric yarn system) (provided for in subheading 5108.10.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1297. SULFUR BLACK 1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.03	Sulfur black 1 (CAS No. 1326–82–5) (provided for in subheading 3204.19.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1298. REDUCED VAT BLUE 43.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.04	Reduced vat blue 43 (CAS No. 85737–02–6) (provided for in subheading 3204.15.40)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1299. FLUOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.05	Fluorobenzene (CAS No. 462–06–6) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1300. CERTAIN RAYON FILAMENT YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.06	High tenacity multiple (folded) or cabled yarn of viscose rayon (provided for in subheading 5403.10.60)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1301. CERTAIN TIRE CORD FABRIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.07	Tire cord fabric of high tenacity yarn of viscose rayon (provided for in subheading 5902.90.00)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1302. DIRECT BLACK 184.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.08	Direct black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1303. BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.09	5-[4-(7-Amino-1-hydroxy-3-sulfo-naphthalen-2-ylazo)-2,5-bis(2-hydroxyethoxy)-phenylazo]isophthalic acid, lithium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1304. MAGENTA 364.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.10	5-[4-(4,5-Dimethyl-2-sulfo-phenylamino)-6-hydroxy-[1,3,5]triazin-2-ylamino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naph- thalene-2,7-disulfonic acid, sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1305. THIAMETHOXAM TECHNICAL.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.11	Thiamethoxam (3-[(2-chloro-5-thiazolyl)methyl)-tetrahydro-5-methyl-N-nitro-1,3,5-oxadiazin-4-imine) (CAS No. 153719–23–4) (provided for in subheading 2934.10.90)	2.6%	No change	No change	On or before 12/31/2003	''.

(b) CALENDAR YEAR 2004.—

(1) IN GENERAL.—Heading 9902.03.11, as added by subsection (a), is amended—

(A) by striking ''2.6%'' and inserting ''2.54%''; and

(B) by striking ''On or before 12/31/2003'' and inserting ''On or before 12/31/2004''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

(c) CALENDAR YEAR 2005.—

(1) IN GENERAL.—Heading 9902.03.11, as added by subsection (a) and amended by this section, is further amended—

(A) by striking ''2.54%'' and inserting ''3.2%''; and

(B) by striking ''On or before 12/31/2004'' and inserting ''On or before 12/31/2005''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1306. CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.12	2-[(Hydroxyethyl-sulfamoyl)-sulfophthalo-cyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1307. DIRECT BLUE 307.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.14	Direct blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1308. DIRECT VIOLET 107.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.16	Direct violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1309. FAST BLACK 286 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.17	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)-azo]-6-sulfo-1-naphthalenyl]-azo]-, sodium salt (CAS No. 201932–24–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1310. MIXTURES OF FLUAZINAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.18	Mixtures of fluazinam (3-chloro-N-(3-chloro-2,6-dinitro-4-(trifluoromethyl)-phenyl-5-(trifluoromethyl)-2-pyridinamine) (CAS No. 79622–59–6) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1311. PRODIAMINE TECHNICAL.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.19	Prodiamine (2,6-dinitro-N1,N1-dipropyl-4-(trifluoromethyl)-1,3-benzene-diamine (CAS No. 29091–21–2) (provided for in subheading 2921.59.80)	0.53%	No change	No change	On or before 12/31/2003	''.

(b) CALENDAR YEARS 2004 AND 2005.—
(1) IN GENERAL.—Heading 9902.03.19, as added by subsection (a), is amended—
(A) by striking ''0.53%'' and inserting ''Free''; and
(B) by striking ''On or before 12/31/2003'' and inserting ''On or before 12/31/2005''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1312. CARBON DIOXIDE CARTRIDGES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.20	Carbon dioxide in threaded 12-, 16-, and 25-gram non-refillable cartridges (provided for in subheading 2811.21.00)	Free	Free	No change	On or before 12/31/2005	''.

SEC. 1313. 12-HYDROXYOCTADECANOIC ACID, REACTION PRODUCT WITH *N,N*-DIMETHYL, 1,3-PROPANEDIAMINE, DIMETHYL SULFATE, QUATERNIZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.21	12-Hydroxyoctadecanoic acid, reaction product with *N,N*-dimethyl- 1,3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879–66–2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1314. 40 PERCENT POLYMER ACID SALT/POLYMER AMIDE, 60 PERCENT BUTYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.22	40 Percent Polymer acid salt/polymer amide, 60 percent Butyl acetate (provided for in subheading 3208.90.00)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1315. 12-HYDROXYOCTADECANOIC ACID, REACTION PRODUCT WITH *N,N*-DIMETHYL-1,3-PROPANEDIAMINE, DIMETHYL SULFATE, QUATERNIZED, 60 PERCENT SOLUTION IN TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.23	12-Hydroxyoctadecanoic acid, reaction product with *N,N*-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879–66–2), 60 percent solution in toluene (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1316. POLYMER ACID SALT/POLYMER AMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.24	2-Oxepanone, polymer with aziridine and tetrahydro-2H-pyran-2-one, dodecanoate ester (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1317. 50 PERCENT AMINE NEUTRALIZED PHOSPHATED POLYESTER POLYMER, 50 PERCENT SOLVESSO 100.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.25	50 Percent amine neutralized phosphated polyester polymer, 50 percent solvesso 100 (CAS Nos. P–99–1218, 64742–95–6, 95–63–6, 108–67–8, 98–82–8, and 1330–20–7) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1318. 1-OCTADECANAMINIUM, N,N-DI-METHYL-*N*-OCTADECYL-, (SP-4-2)-[29H,31H-PHTHA-LOCYANINE-2-SULFONATO(3-)-.KAPPA.N29,.KAPPA.N30,.KAPPA.N31,.KAPPA.N32]CUPRATE(1-).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.26	1-Octa- decanaminium, *N,N*-dimethyl-*N*-octadecyl-, (Sp-4-2)-[29H,31H-phthalocyanine-2-sulfonato(3-)-.kappa.N29, .kappa.N30, .kappa.N31, .kappa.N32] cuprate(1-) (CAS No. 70750-63-9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1319. CHROMATE(1-)BIS{1-{(5-CHLORO–2-HYDROXYPHENYL)AZO}–2-NAPTHAL ENOLATO(2-)}-,HYDROGEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.27	Chromate(1-)-bis[1-[(5-chloro-2-hydroxy phenyl)azo]-2-naphthalenolato-(2-)]-,hydrogen (CAS No. 31714–55–3) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1320. BRONATE ADVANCED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.29	Mixtures of bromoxynil octanoate (3,5-dibromo-4-hydroxybenzo-nitrile octanoate (CAS No. 1689–99–2) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1321. N-CYCLOHEXYLTHIOPHTHALIMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.30	N-Cyclohexylthiophthalimide (CAS No. 17796–82–6) (provided for in subheading 2930.90.24)	3%	No change	No change	On or before 12/31/2005	''.

SEC. 1322. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.85.20	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80), the foregoing which meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands, when such loudspeakers are tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1323. BIO-SET INJECTION RCC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

SEC. 1323. BIO-SET INJECTION RCC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

"	9902.03.33	Polymeric apparatus, comprising a removable cap, an injection port attached to an air vent filter and a fixed needle of plastics and a base for attaching the whole to a vial with a 13 mm or 20 mm flange, of a kind used for transferring diluent from a prefilled syringe (without needle) to a vial containing a powdered or lyophilized medicament and, after mixing, transferring the medicament back to the syringe for subsequent administration to the patient (provided for in subheading 3923.50.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1324. PENTA AMINO ACETO NITRATE COBALT III (COFLAKE 2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.34	Mixtures of (acetato)pent-ammine cobalt dinitrate (CAS No. 14854–636–8) with a polymeric or paraffinic carrier (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1325. OXASULFURON TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.35	Benzoic acid, 2-[[[[(4,6-dimethyl-2-pyrimidinyl)- amino]carbonyl]-amino]sulfonyl]-, 3-oxetanyl ester (CAS No. 144651–06–9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1326. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.83	Machine tools for working wire of iron or steel certified for use in production of radial tires, designed for off-the-highway use, and for use on a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8463.30.00 or 8466.94.85)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1327. 4-AMINOBENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.37	4-Aminobenzamide (CAS No. 2835–68–9) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1328. FOE HYDROXY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.38	*N*-(4-Fluorophenyl)-2-hydroxy-*N*-(1-methylethyl)-acetamide (CAS No. 54041–17–7) (provided for in subheading 2924.29.71)	5.2%	No change	No change	On or before 12/31/2005	".

SEC. 1329. MAGENTA 364 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.39	5-[4-(4,5-Dimethyl-2-sulfo-phenylamino)-6-hydroxy- [1,3,5]triazin-2-ylamino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naph- thalene-2,7-disulfonic acid, sodium ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1330. TETRAKIS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.40	Tetrakis ((2,4-di-tert-butylphenyl)-4,4-biphenylene diphosphonite) (CAS No. 38613–77–3) (provided for in subheading 2835.29.50)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1331. PALMITIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.41	Palmitic acid, with a purity of 90 percent or more (CAS No. 57–10–3) (provided for in subheading 2915.70.00)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1332. PHYTOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.42	3,7,11,15-Tetramethylhexadec-2-en-1-ol (CAS No. 7541–49–3) (provided for in subheading 2905.22.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1333. CHLORIDAZON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.43	Chloridazon (5-Amino-4-chloro-2- phenyl-3(2H)-pyridazinone) (CAS No. 1698–60–8) put up in forms or packings for retail sale or mixed with application adjuvants (provided for in subheading 3808.30.15)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1334. DISPERSE ORANGE 30, DISPERSE BLUE 79:1, DISPERSE RED 167:1, DISPERSE YELLOW 64, DISPERSE RED 60, DISPERSE BLUE 60, DISPERSE BLUE 77, DISPERSE YELLOW 42, DISPERSE RED 86, AND DISPERSE RED 86:1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.45	Propanenitrile, 3-[[2-(acetyloxy)- ethyl]-[4-[(2,6-dichloro-4-nitro-phenyl)azo]- phenyl]amino]- (disperse orange 30) (CAS No. 5261–31–4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005
"	9902.03.46	Acetamide, N-[5-[bis[2-(acetyloxy)- ethyl]amino]-2-[(2-bromo-4,6-dinitrophenyl)- azo]-4-methoxyphenyl]- (disperse blue 79:1) (CAS No. 3618–72–2) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005

“	9902.03.47	Acetamide, N-[5-[bis[2-(acetyloxy)- ethyl]amino]-2-[(2-chloro-4-nitrophenyl)-azo]phenyl]- (disperse red 167:1) (CAS No. 1533–78–4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.48	1H-Indene-1,3(2H)-dione, 2-(4-bromo-3-hydroxy-2-quinol-inyl)- (disperse yellow 64) (CAS No. 10319–14–9) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.49	9,10-Anthra- cenedione, 1-amino-4-hydroxy-2-phenoxy- (disperse red 60) (CAS No. 17418–58–5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.50	1H-Naphth[2,3-f]isoindole-1,3,5,10(2H)-tetrone, 4,11-diamino-2-(3-methoxypropyl)- (disperse blue 60) (CAS No. 12217–80–0) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.51	9,10-Anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)- (disperse blue 77) (CAS No. 20241–76–3) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.52	Benzenesulfonamide, 3-nitro-N-phenyl-4-(phenylamino)- (disperse yellow 42) (CAS No. 5124–25–4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.53	Benzenesulfonamide, N-(4-amino-9,10-dihydro-3-methoxy-9,10-dioxo-1-anthracenyl)-4-methyl- (disperse red 86) (CAS No. 81–68–5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
“	9902.03.54	Benzenesulfonamide, N-(4-amino-9,10-dihydro-3-methoxy-9,10-dioxo-1-anthracenyl)- (disperse red 86:1) (CAS No. 69563–51–5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1335. DISPERSE BLUE 321.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.55	1-Naphthalenamine, 4-[(2-bromo-4,6- dinitrophenyl)- azo]-N-(3-methoxypropyl)- (disperse blue 321) (CAS No. 70660–55–8) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1336. DIRECT BLACK 175.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.56	Cuprate(4-), [m-[5-[(4,5-dihydro-3-methyl-5-oxo- 1-phenyl-1H-pyrazol-4-yl)azo]-3-[[4¼-[[3,6-disulfo-2-hydroxy.kappa.O-1-naphthal- enyl]azo-.kappa.N1]-3,3¼-di(hydroxy-.kappa.O)[1,1′-biphenyl]-4-yl]azo-.kappa.N1]-4-(hydroxy-.kappa.O)-2,7-naphtha- lenedisulf-onato(8-)]]di-, tetrasodium (direct black 175) (CAS No. 66256–76–6) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1337. DISPERSE RED 73 AND DISPERSE BLUE 56.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.03.57	Benzonitrile, 2-[[4-[(2-cyanoethyl)- ethylamino]-phenyl]azo]-5-nitro- (disperse red 73) (CAS No. 16889–10–4) (provided for in subheading 3204.11.10)	Free	No change	No change	On or before 12/31/2005	”.
“	9902.03.58	9,10-Anthra-cenedione, 1,5-diaminochloro-4,8-dihydroxy- (disperse blue 56) (CAS No. 12217–79–7) (provided for in subheading 3204.11.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1338. ACID BLACK 132 AND ACID BLACK 172.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.03.59	[3-(Hydroxy- kO)-4- [[2-(hydroxy- .kappa.O)-1-naphthalenyl]azo-.kappa.N1]-1-naphthal-enesulfonato (3)]-[1-[[2-(hydroxy-.kappa.O)-5-[(2-methoxyphenyl)-azo]phenyl]-azo-kappa.N1]-2-naphthalenolato (2-)-.kappa.O]-, disodium (acid black 132) (CAS No. 57693–14–8) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	”.
“	9902.03.60	Chromate(3-), bis[3-(hydroxy- .kappa.O)-4-[[2-(hydroxy-.kappa.O)-1-naphthalenyl]azo-.kappa.N1]-7-nitro-1-naphthal-enesulfonato(3-)]-, trisodium (acid black 172) (CAS No. 57693–14–8) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1339. ACID BLACK 107.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.61	Chromate(2-), [1-[[2-(hydroxy-.kappa.O)-3,5-dinitro- phenyl]azo-.kappa.N1]-2-naphthal- enolato(2-)-.kappa.O][3-(hydroxy.kappa.O)-4-[[2 (hydroxy-.kappa.O)-1-naphthalenyl]azo-.kappa.N1]-7- nitro-1-naphthalenesulfonato(3-)]-, sodium hydrogen (acid black 107) (CAS No. 12218–96–1) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1340. ACID YELLOW 219, ACID ORANGE 152, ACID RED 278, ACID ORANGE 116, ACID ORANGE 156, AND ACID BLUE 113.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.62	Benzenesulfonic acid, 3-[[3-methoxy-4-[(4-methoxyphenyl)- azo]phenyl]azo]-, sodium salt (acid yellow 219) (CAS No. 71819–57–3) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	”.
“	9902.03.63	Benzenesulfonic acid, 3-[[4-[[4-(2-hydroxybutoxy)phenyl]azo]-5-methoxy-2-methyl- phenyl]azo]-, monolithium salt (acid orange 152) (CAS No. 71838–37–4) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	”.
“	9902.03.64	Chromate(1-), bis[3-[4-[[5-chloro-2-(hydroxy.kappa.O)- phenyl]azo-.kappa.N1]-4,5-dihydro-3-methyl-5-(oxo-.kappa.O)-1H-pyrazol-1-yl]benzenesul- fonamidato(2-)]-, sodium (acid red 278) (CAS No. 71819–56–2) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	”.
“	9902.03.65	Benzenesulfonic acid, 3-[[4-[(2-ethoxy-5-methylphenyl)- azo]-1-naphthalenyl]azo]-, sodium salt (acid orange 116) (CAS No. 12220–10–9) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	”.

"	9902.03.66	Benzenesulfonic acid, 4-[[5-meth- oxy-4-[(4-methoxy- phenyl)azo]-2-methyl-phenyl]azo]-, sodium salt (acid orange 156) (CAS No. 68555–86–2) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	".
"	9902.03.67	1-Naphthalene- sulfonic acid, 8-(phenylamino)-5-[[4-[(3- sulfophenyl)- azo]-1- naphthalenyl]-azo]-, disodium salt (acid blue 113) (CAS No. 3351–05–1) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1341. EUROPIUM OXIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.22	Europium oxides having a purity of at least 99.99 percent (CAS No. 1308–96–7) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1342. LUGANIL BROWN NGT POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.76	Acid brown 290 (CAS No. 12234–74–1) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1343. THIOPHANATE-METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.77	4,4′-*o*-Phenylenebis-(3-thioallophanic acid), dimethyl ester (thiophanate-methyl) (CAS No. 23564–05–8) (provided for in subheading 2390.90.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1345. HYDRATED HYDROXYPROPYL METHYLCELLULOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.80	2-Hydroxypropyl methyl cellulose (CAS No. 9004–65–3)(provided for in sub-heading 3912.39.00)	0.4%	No change	No change	On or before 12/31/2005	".

SEC. 1346. POLYMETHYLPENTENE (TPX).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.86	Polymethylpent-ene (TPX) (CAS No. 68413–03–6) (provided for in subheading 3902.90.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1347. CERTAIN 12-VOLT BATTERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.87	12V lead-acid storage batteries, of a kind used for the auxiliary source of power for burglar or fire alarms and similar apparatus of subheading 8531.10.00 (provided for in subheading 8507.20.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1348. CERTAIN PREPARED OR PRESERVED ARTICHOKES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.89	Artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (provided for in subheading 2005.90.80)	13.8%	No change	No change	On or before 12/31/2005	".

SEC. 1349. CERTAIN OTHER PREPARED OR PRESERVED ARTICHOKES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.90	Artichokes, prepared or preserved by vinegar or acetic acid (provided for in subheading 2001.90.25)	7.5%	No change	No change	On or before 12/31/2005	".

SEC. 1350. ETHYLENE/TETRAFLUOROETHYLENE COPOLYMER (ETFE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.91	Ethylene-tetra- fluoroethylene copolymers (ETFE) (provided for in sub-heading 3904.69.50)	4.9%	No change	No change	On or before 12/31/2005	".

SEC. 1351. ACETAMIPRID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.92	N1-[(6-Chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine (CAS No. 135410–20–7) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1352. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.84.94	Extruders, screw type, suitable for processing polyester thermoplastics in a cast film production line (provided for in subheading 8477.20.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.95	Casting machinery suitable for processing polyester thermoplastics into a sheet in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.96	Transverse direction orientation tenter machinery, suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.97	Winder machinery suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.98	Slitting machinery suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1353. TRITICONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.99	E-5-(4-Chlorobenzylidene)-2,2-dimethyl-1-(1H-1,2,4-triazol-1-ylmethyl)cyclopentanol. (CAS No.131983–72–7) (provided for in subheading 2933.99.12)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1354. CERTAIN TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.88	Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m, entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams (provided for in subheading 8446.30.50)	2.7%	No change	No change	On or before 12/31/2005	".

SEC. 1355. 3-SULFINOBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.01	3-Sulfinobenzoic acid (CAS No. 15451–00–0) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1356. POLYDIMETHYLSILOXANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.02	Polydimethylsiloxane (CAS No. 63148–62–9) (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1357. BAYSILONE FLUID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.03	An alkyl modified polydimethylsiloxane (CAS No. 102782–93–4) (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1358. ETHANEDIAMIDE, N- (2-ETHOXYPHENYL)-N′- (4-ISODECYLPHENYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.05	Preparations based on ethanediamide, N-(2-ethoxyphenyl)-N′-(4-isodecylphenyl)- (CAS No. 82493–14–9) (provided for in subheading 3812.30.60)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1359. 1-ACETYL-4-(3-DODECYL-2, 5-DIOXO-1-PYRROLIDINYL)-2,2,6,6-TETRAMETHYL-PIPERIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.06	1-Acetyl-4-(3-dodecyl-2,5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethylpiperidine (CAS No. 106917–31–1) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1360. ARYL PHOSPHONITE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.07	Reaction products of phosphorus trichloride with 1,1′-biphenyl and 2,4-bis(1,1-dimethylethyl)phenol (CAS No. 119345–01–6) (provided for in subheading 3812.30.60)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1361. MONO OCTYL MALIONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.08	mono-2-Ethylhexyl maleate (CAS No. 7423–42–9) (provided for in subheading 2917.19.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1362. 3,6,9-TRIOXAUNDECANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.09	3,6,9-Trioxaundecanedioic acid (CAS No. 13887–98–4) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1363. CROTONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.10	(E)-2-Butenoic acid (Crotonic acid) (CAS No. 107–93–7) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1364. 1,3-BENZENEDICARBOXAMIDE, N, N′-BIS-(2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.11	1,3-Benzenedicarboxamide, N,N′-bis-(2,2,6,6-tetramethyl-4-piperidinyl)- (CAS No. 42774–15–2) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1365. 3-DODECYL-1-(2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)-2,5-PYRROLIDINEDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.12	3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione (CAS No. 79720–19–7) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1366. OXALIC ANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.13	Ethanediamide, N-(2-ethoxyphenyl)-N’-(2-ethylphenyl) (CAS No. 23949–66–8) (provided for in subheading 2924.66.08)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1367. N-METHYL DIISOPROPANOLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.14	1,1′-(Methylamino)dipropan-2-ol (CAS No. 4402–30–6) (provided for in subheading 2922.19.95)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1368. 50 PERCENT HOMOPOLYMER, 3-(DIMETHYLAMINO) PROPYL AMIDE, DIMETHYL SULFATE-QUATERNIZED 50 PERCENT POLYRICINOLEIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.15	Mixture (1:1) of polyricinoleic acid homopolymer, 3-(dimethylamino) propylamide, dimethyl sulfate, quaternized and polyricinoleic acid (provided for in subheading 3824.90.40.90)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1369. BLACK CPW STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.16	2,7-Naphthalenedisulfonic acid, 4-amino-3-[[4-[[-4-[(2- or 4-amino-4 or 2-hydroxyphenyl)azo]phenyl]amino]-3-sulfophenyl]azo]-5-hydroxy-6-(phenylazo), trisodium salt) (CAS No. 85631–88–5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1370. FAST BLACK 287 NA PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.17	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt, in paste form (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1371. FAST BLACK 287 NA LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.18	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt, in liquid form (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1372. FAST YELLOW 2 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.19	1,3-Benzenedicarboxylic acid, 5,5′- [[6-(4-morpholinyl)-1,3,5-triazine-2,4-diyl]bis(imino-4,1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt (direct yellow 173) (provided for in either subheading 3204.14.30 or 3215.19.00.)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1373. CYAN 1 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.21	Copper [29H,31H-phthalo- cyaninato(2-)-N29,N30,N31,N32]-, aminosulfonylsulfo derivatives, tetramethylammonium salts (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1374. YELLOW 1 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.24	1,5-Naphthalenedisulfonic acid, 3,3′- [[6-[(2-hydroxyethyl)amino]-1,3,5-triazine-2,4-diyl]bis[imino(2-methyl-4,1-phenylene)azo]]bis-, tetrasodium salt (CAS No. 50925–42–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1375. YELLOW 746 STAGE.

Subchapter II of chapter 99 of is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.26	1,3-Bipyridirium, 3-carboxy-5′-[(2-carboxy-4-sulfophenyl)azo]-1′,2′-dihydro-6′-hydroxy-4′-methyl-2′-oxo-, inner salt, lithium/sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1376. BLACK SCR STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.27	2,7-Naphthalenedi- sulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4-amino-4 or 2-hydroxyphenyl)-azo]- phenyl]amino]-3-sulfophenyl]- azo]-5-hydroxy-6-(phenylazo)-, trisodium salt (CAS No. 85631–88–5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1377. MAGENTA 3B-OA STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.28	2-[[4-Chloro-6-[[8-hydroxy-3,6-disulfonate-7-[(1-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]amino]-1,3,5-triazin-2-yl]amino]-5-sulfobenzoic acid, sodium/lithium salts (CAS No. 12237–00–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1378. YELLOW 577 STAGE.

(a) Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.29	5-[4-[4-[4-(4,8-Disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-1,3,5-triazin-2-ylamino]- phenylazo-[isophthalic acid, sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1379. CYAN 485/4 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.30	Copper, [29H,31H-phthalo-cyaninato (2-)- xN29,xN30, xN31,xN32]-aminosulfonyl-[(2-hydroxyethyl)amino]- sulfonylsulfo derivatives, sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1380. LOW EXPANSION LABORATORY GLASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.32	Laboratory, hygienic, or pharmaceutical glassware, whether or not graduated or calibrated, of low expansion borosilicate glass or alumino-borosilicate glass, having a linear coefficient of expansion not exceeding 3.3 x 10^{-7} per Kelvin within a temperature range of 0 to 300°C (provided for in subheadings 7017.20.00 and 7020.00.60).	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1381. STOPPERS, LIDS, AND OTHER CLOSURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.33	Stoppers, lids, and other closures of low expansion borosilicate glass or alumino-borosilicate glass, having a linear coefficient of expansion not exceeding 3.3 x 10^{-7} per Kelvin within a temperature range of 0 to 300°C, produced by automatic machine (provided for in subheading 7010.20.20) or produced by hand (provided for in subheading 7010.20.30).	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1382. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

(a) CALENDAR YEARS 2003 AND 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.01	Mixtures of methyl 2-[[[[[4-(dimethylamino)- 6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]-amino]carbonyl]- amino]sulfonyl]-3-methylbenzoate (CAS No. 126535–15–7) and application adjuvants (provided for in subheading 3808.30.15)	1%	No change	No change	On or before 12/31/2004	’’.

(b) CALENDAR YEAR 2005.—

(1) IN GENERAL.—Heading 9902.05.01, as added by subsection (a), is amended—

(A) by striking ‘‘1%’’ and inserting ‘‘Free’’; and

(B) by striking ‘‘On or before 12/31/2004’’ and inserting ‘‘On or before 12/31/2005’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1383. AGRUMEX (O-T-BUTYL CYCLOHEXANOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.02	o-tert-Butyl-cyclohexanol (CAS No. 13491–79–7) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1384. TRIMETHYL CYCLO HEXANOL (1-METHYL-3,3-DIMETHYLCYCLOHEXANOL-5).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.03	3,3,5,Trimethyl-cyclohexan-1-ol (CAS No. 116–02–9) (provided for in subheading 2906.19.50)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1385. MYCLOBUTANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.91	alpha-Butyl-alpha-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile (myclobutanil) (CAS No. 88671–89–0) (provided for in subheading 2933.99.06) ...	1.9%	No change	No change	On or before 12/31/2005	’’.

SEC. 1386. METHYL CINNAMATE (METHYL-3-PHENYLPROPENOATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.04	Methyl cinnamate (methyl-3-phenylpropenoate) (CAS No. 103–26–4) (provided for in subheading 2916.39.20)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1387. ACETANISOLE (ANISYL METHYL KETONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.05	p-Acetanisole (CAS No. 100–06–1) (provided for in subheading 2914.50.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1388. ALKYLKETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.53	1-(4-Chlorophenyl)- 4,4-dimethyl-3-pentanone (CAS No. 66346–01–8) (provided for in subheading 2914.70.40)	3.5%	No change	No change	On or before 12/31/2005	’’.

SEC. 1389. IPRODIONE 3-(3-5, DICHOLOROPHENYL)-N-(1-METHYLETHYL)-2,4-DIOXO-1-IMIDAZOLIDINECARBOXAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.51	Iprodione (3-(3-5, dicholorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide) (CAS No. 36734–19–7) (provided for in subheading 2933.21.00)	4.1%	No change	No change	On or before 12/31/2005	’’.

SEC. 1390. DICHLOROBENZIDINE DIHYDROCHLORIDE.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.28	3,3′-Dichlorobenzi-dine dihydrochloride (CAS No. 612–83–9) (provided for in subheading 2921.59.80)	6.3% + 0.2 cents/kg	No change	No change	On or before 12/31/2003	''.

(b) CALENDAR YEARS 2004 AND 2005.—
(1) IN GENERAL.—Heading 9902.03.28, as added by subsection (a), is amended—
(A) by striking ''6.3% + 0.2 cents/kg'' and inserting ''5.1%''; and
(B) by striking ''On or before 12/31/2003'' and inserting ''On or before 12/31/2005''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1391. KRESOXIM-METHYL.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.78	Methyl (E)- methoxyimino- [alpha-(o-tolyloxy)-o-tolyl]- acetate (kresoxim methyl) (CAS No. 143390–89–0) (provided for in subheading 2925.20.60)	3.3%	No change	Free	On or before 12/31/2003	''.

(b) CALENDAR YEARS 2004 AND 2005.—
(1) IN GENERAL.—Heading 9902.03.78, as added by subsection (a), is amended—
(A) by striking ''3.3%'' and inserting ''2.4%''; and
(B) by striking ''On or before 12/31/2003'' and inserting ''On or before 12/31/2005''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1392. MKH 6562 ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.06	2-(Trifluoro- methoxy)-benzenesulfonyl isocyanate (CAS No. 99722–81–3) (provided for in subheading 2930.90.29)	0.7%	No change	No change	On or before 12/31/2005	''.

SEC. 1393. CERTAIN RAYON FILAMENT YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.07	High tenacity single yarn of viscose rayon (provided for in subheading 5403.10.30) with a decitex equal to or greater than 1,000	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1394. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.08	Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl- (CAS No. 80–54–6) (provided for in subheading 2912.29.60)	2.3%	No change	Free	On or before 12/31/2003	''.

(b) CALENDAR YEARS 2004 AND 2005.—
(1) IN GENERAL.—Heading 9902.05.08, as added by subsection (a), is amended—
(A) by striking ''2.3%'' and inserting ''1.7%''; and
(B) by striking ''On or before 12/31/2003'' and inserting ''On or before 12/31/2005''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1395. 3,7-DICHLORO-8-QUINOLINE CARBOXYLIC ACID.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.09	3,7-Dichloro-8-quinolinecarb-oxylic acid (quinclorac) (CAS No. 84087–01–4) (provided for in subheading 2933.49.30)	3.9%	No change	Free	On or before 12/31/2003	''.

(b) CALENDAR YEARS 2004 AND 2005.—
(1) IN GENERAL.—Heading 9902.05.09, as added by subsection (a), is amended—
(A) by striking ''3.9%'' and inserting ''3.3%''; and
(B) by striking ''On or before 12/31/2003'' and inserting ''On or before 12/31/2005''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1396. 3-(1-METHYLETHYL)-1H-2,1,3-BENZOTHIADIAZIN-4(3H)-ONE 2,2 DIOXIDE, SODIUM SALT.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.10	3-(1-Methyl- ethyl)-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide, sodium salt (bentazon, sodium salt) (CAS No. 50723–80–3) (provided for in subheading 2934.99.15)	1.8%	No change	Free	On or before 12/31/2003	''.

(b) CALENDAR YEARS 2004 AND 2005.—
(1) IN GENERAL.—Heading 9902.05.10, as added by subsection (a), is amended—
(A) by striking ''1.8%'' and inserting ''2.6%''; and
(B) by striking ''On or before 12/31/2003'' and inserting ''On or before 12/31/2005''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1397. 3,3′,4-4′-BIPHENYLTETRACARBOXYLIC DIANHYDRIDE, ODA, ODPA, PMDA, AND 1,3-BIS(4-AMINOPHENOXY)BENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

''	9902.05.11	3,3′,4,4′-Biphenyltetracarboxylic dianhydride (CAS No. 2420–87–3) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2005	
''	9902.05.12	4,4′-Oxydianiline (CAS No. 101–80–4) (provided for in subheading 2922.29.80)	1.5%	No change	No change	On or before 12/31/2005	
''	9902.05.13	4,4′-Oxydiphthalic anhydride (CAS No. 1823–59–2) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2005	

''	9902.05.14	Pyromellitic dianhydride (CAS No. 89–32–7) (provided for in subheading 2917.39.70)	Free	No change	No change	On or before 12/31/2005	
''	9902.05.15	1,3-Bis(4-aminophenoxy)- benzene (CAS No. 2479–46–1) (provided for in subheading 2922.29.29 or 2922.29.60)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1398. ORYZALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.16	Oryzalin (benzenesulfonamide, 4-(dipropylamino)-3,5-dinitro-) (CAS No. 19044–88–3) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1399. TEBUFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.17	N-tert-Butyl-N′-(4-ethylbenzoyl)-3,5- dimethylbenzoylhydrazide (tebufenozide) (CAS No. 112410–23–8) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1400. ENDOSULFAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.18	6,7,8,9,10,10-Hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide (thiosulfan) (CAS No. 115–29–7) (provided for in subheading 2920.90.10)	Free	Free	No change	On or before 12/31/2005	''.

SEC. 1401. ETHOFUMESATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.19	2-Ethoxy-2,3-dihydro-3,3-di-methyl-5-benzofuranyl-methanesulfonate (ethofumesate) (CAS No. 26225–79–6) in bulk or mixed with application adjuvants (provided for in subheading 2932.99.08 or 3808.30.15)	Free	Free	No change	On or before 12/31/2005	''.

SEC. 1402. 4,4'-O-PHENYLENEBIS(3- THIOALLOPHANIC ACID), DIMETHYL ESTER (THIOPHANATE-METHYL) FORMULATED WITH APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.20	4,4'-o-Phenylenebis(3-thioallophanic acid), dimethyl ester (Thiophanate-methyl) formulated with application adjuvants (CAS No. 23564–05–8), formulated with application adjuvants (provided for in subheading 3808.20.15)	Free	Free	No change	On or before 12/31/2005	''.

SEC. 1403. NIGHT VISION MONOCULARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.21	Hand-held night vision monoculars, other than those containing a micro-channel plate to amplify electrons or having a photocathode containing gallium arsenide (provided for in subheading 9005.80.60)	Free	Free	No change	On or before 12/31/2005	''.

SEC. 1404. CERTAIN AUTOMOTIVE SENSOR MAGNETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.31	Sensor magnets, of metal, the foregoing comprising sintered neodymium, cylindrical in shape, not to exceed 15.25 mm in diameter and 25.4 mm in length, the foregoing with or without metal mounting lug; magnets of sintered aluminum-nickel-cobalt metal, either rectangular or cylindrical in shape, the foregoing not over 12.7 mm in diameter, height or width and not over 25.4 mm in length; rectangular magnets of sintered neodymium or of sintered samarium-cobalt metal, measuring not over 10.2 mm in any dimension (provided for in subheading 8505.11.00)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1405. LEVAFIX BRILLIANT RED E-6BA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.26	2,7-Naphthalenedi- sulfonic acid, 5-(benzoylamino)- 3-[[5-[[(5- chloro-2,6-difluoro-4-pyrimidinyl)- amino]methyl]- 1-sulfo-2- naphthalenyl]- azo]-4-hydroxy-, lithium sodium salt (reactive red 159) (CAS No. 83400–12–8) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2005	''.

SEC. 1406. SOLVENT YELLOW 163.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.27	Solvent yellow 163 (CAS No. 13676–91–0) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2005	''.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1501. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS.

(a) EXISTING DUTY SUSPENSIONS.—Each of the following headings is amended by striking out the date in the effective period column and inserting ''12/31/2005'':

(1) Heading 9902.30.90 (relating to 3-amino-2′-(sulfato-ethyl sulfonyl) ethyl benzamide).

(2) Heading 9902.32.91 (relating to MUB 738 INT).

(3) Heading 9902.30.31 (relating to 5-amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide).

(4) Heading 9902.29.46 (relating to 2-amino-5-nitrothiazole).

(5) Heading 9902.32.14 (relating to 2Methyl-4,6-bis[(octylthio) methyl]phenol).

(6) Heading 9902.32.30 (relating to 4-[[4,6-bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol).

(7) Heading 9902.32.16 (relating to calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate]).

(8) Heading 9902.38.69 (relating to nicosulfuron formulated product (''Accent'')).

(9) Heading 9902.33.63 (relating to DPX–E9260).
(10) Heading 9902.33.59 (relating to DPX–E6758).
(11) Heading 9902.33.61 (relating to carbamic acid (U-9069)).
(12) Heading 9902.29.35 (relating to 1N–N5297).
(13) Heading 9902.28.19 (relating to an ultraviolet dye).
(14) Heading 9902.32.07 (relating to certain organic pigments and dyes).
(15) Heading 9902.29.07 (relating to 4-hexylresorcinol).
(16) Heading 9902.29.37 (relating to certain sensitizing dyes).
(17) Heading 9902.85.42 (relating to certain cathode-ray tubes).
(18) Heading 9902.30.14 (relating to a fluorinated compound).
(19) Heading 9902.29.55 (relating to a certain light absorbing photo dye).
(20) Heading 9902.32.55 (relating to methyl thioglycolate).
(21) Heading 9902.29.62 (relating to chloro amino toluene).
(22) Headings 9902.28.08, 9902.28.09, and 9902.28.10 (relating to bromine-containing compounds).
(23) Heading 9902.32.62 (relating to filter blue green photo dye).
(24) Heading 9902.32.99 (relating to 5-[(3,5-dichlorophenyl)-thio]-4-(1-methylethyl-1)-(4-pyridin lmethyl)-1H-imidazole-2-methanol carbamate).
(25) Heading 9902.32.97 (relating to (2E,4S)-4-(((2R,5S)-2-((4-fluorophenyl)-methyl)-6-methyl-5-((5-methyl-3-isoxazolyl)-carbonyl y)amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester).
(26) Heading 9902.29.87 (relating to Baytron M).
(27) Heading 9902.39.15 (relating to Baytron P).
(28) Heading 9902.39.30 (relating to certain ion-exchange resins).
(29) Heading 9902.28.01 (relating to thionyl chloride).
(30) Heading 9902.32.12 (relating to DEMT).
(31) Heading 9902.29.03 (relating to PHBA (p-hydroxybenzoic acid)).
(32) Headings 9902.29.83 and 9902.38.10 (relating to iminodisuccinate).
(33) Heading 9902.38.14 (relating to mesamoll).
(34) Heading 9902.38.15 (relating to Baytron C-R).
(35) Heading 9902.29.25 (relating to orthophenylphenol (OPP)).
(36) Heading 9902.38.31 (relating to Vulkalent E/C).
(37) Heading 9902.31.14 (relating to desmedipham).
(38) Heading 9902.31.13 (relating to phenmedipham).
(39) Heading 9902.30.16 (relating to diclofop methyl).
(40) Heading 9902.33.40 (relating to R115777).
(41) Heading 9902.29.10 (relating to imazalil).
(42) Heading 9902.29.22 (relating to Norbloc 7966).
(43) Heading 9902.38.09 (relating to Fungaflor 500 EC).
(44) Heading 9902.32.73 (relating to Solvent Blue 124).
(45) Heading 9902.29.73 (relating to 4-amino-2,5-dimethoxy-N-phenylbenzene sulfonamide).
(46) Heading 9902.32.72 (relating to Solvent Blue 104).
(47) Heading 9902.34.01 (relating to sodium petroleum sulfonate).
(48) Heading 9902.29.71 (relating to isobornyl acetate).
(49) Heading 9902.29.70 (relating to certain TAED chemicals).
(50) Heading 9902.29.58 (relating to diethyl phosphorochidothioate).
(51) Heading 9902.29.17 (relating to 2,6-dichloroaniline).
(52) Heading 9902.29.59 (relating to benfluralin).
(53) Heading 9902.29.26 (relating to 1,3-diethyl-2-imidazolidinone).
(54) Heading 9902.29.06 (relating to diphenyl sulfide).
(55) Heading 9902.32.93 (relating to methoxyfenozide).
(56) Heading 9902.32.89 (relating to triazamate).
(57) Heading 9902.29.80 (relating to propiconazole).
(58) Heading 9902.32.92 (relating to β-Bromo-β-nitrostyrene).
(59) Heading 9902.29.61 (relating to quinoline).
(60) Heading 9902.29.25 (relating to 2-phenylphenol).
(61) Heading 9902.29.08 (relating to 3-amino-5-mercapto-1,2,4-triazole).
(62) Heading 9902.29.16 (relating to 4,4-dimethoxy-2-butanone).
(63) Heading 9902.32.87 (relating to fenbuconazole).
(64) Heading 9902.32.90 (relating to diiodomethyl-*p*-tolylsulfone).
(65) Heading 9902.28.16 (relating to propiophenone).
(66) Heading 9902.28.17 (relating to metachlorobenzaldehyde).
(67) Heading 9902.28.15 (relating to 4-bromo-2-fluoroacetanilide).
(68) Heading 9902.32.82 (relating to 2,6, dichlorotoluene).
(69) Heading 9902.80.05 (relating to cobalt boron).
(70) Heading 9902.72.02 (relating to ferroboron).
(71) Heading 9902.32.85 (relating to 4,4′ difluorobenzophenone).
(72) Heading 9902.29.34 (relating to certain light absorbing photo dyes).
(73) Heading 9902.29.38 (relating to certain imaging chemicals).
(74) Heading 9902.28.18 (relating to 3,5-dibromo-4-hydoxybenzonitril).
(75) Heading 9902.29.64 (relating to cyclanilide technical).
(76) Heading 9902.29.98 (relating to fipronil technical).
(77) Heading 9902.38.04 (relating to 3,5-dibromo-4-hydoxybenzonitril ester and inerts).
(78) Heading 9902.29.23 (relating to P-nitro toluene-o-sulfonic acid).

(b) OTHER MODIFICATIONS.—
(1) CERTAIN CATHODE-RAY TUBES.—Heading 9902.85.41 is amended—
(A) by striking ''1%'' and inserting ''Free''; and
(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.
(2) ETHALFLURALIN.—Heading 9902.30.49 is amended—
(A) by striking ''3.5%'' and inserting ''Free''; and
(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.
(3) DMDS.—Heading 9902.33.92 is amended—
(A) by striking ''2933.59.80'' and inserting ''2933.59.95''; and
(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.
(4) CERTAIN POLYAMIDES.—Heading 9902.39.08 is amended—
(A) by striking ''forms of polyamide-6, polyamide-12, and polyamide-6,12 powders (CAS Nos. 25038–54–4, 25038–74–8, and 25191–04–1) (provided for in subheading 3908.10.00)'' and inserting ''ORGASOL® polyamide powders (provided for in subheading 3908.10.00 or 3908.90.70)''; and
(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.
(5) BUTRALIN.—Heading 9902.38.00 is amended by striking ''3808.31.15'' and inserting ''3808.30.15''.
(6) PRO-JET CYAN 1 RO FEED; PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.—
(A) IN GENERAL.—Paragraph (2) in each of sections 1222(c) and 1223(c) of the Tariff Suspension and Trade Act of 2000 are amended by striking ''January 1, 2001'' and inserting ''January 1, 2002''.
(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect as if such amendments had been enacted immediately after the enactment of the Tariff Suspension and Trade Act of 2000.
(7) 2-METHYL-4-CHLOROPHENOXYACETIC ACID.—Heading 9902.29.81 is amended—
(A) in the general rate of duty column, by striking ''2.6%'' and inserting ''1.8%''; and
(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.
(8) STARANE F.—Heading 9902.29.77 is amended—
(A) in the general rate of duty column, by striking ''Free'' and inserting ''1.5%''; and
(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.
(9) TRIFLURALIN.—Heading 9902.29.02 is amended—
(A) by striking ''3.3%'' and inserting ''Free''; and
(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.
(10) CERTAIN REDESIGNATIONS.—(A) The second heading 9902.29.02 (as added by section 1144 of the Tariff Suspension and Trade Act of 2000) is redesignated as heading 9902.05.30.
(B) The second heading 9902.39.07 (as added by section 1248 of the Tariff Suspension and Trade Act of 2000) is redesignated as heading 9902.05.31.

SEC. 1502. EFFECTIVE DATE.

Except as otherwise provided in this chapter, the amendments made by this chapter apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2003.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1601. CERTAIN TRAMWAY CARS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service shall liquidate or reliquidate the entry described in subsection (c) as free of duty.

(b) REFUND OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for a liquidation or reliquidation of the entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

(c) AFFECTED ENTRY.—The entry referred to in subsection (a) is the entry on July 5, 2002, of 2 tramway cars (provided for in subheading 8603.10.00) manufactured in Plzen, Czech Republic, for the use of the city of Portland, Oregon (Entry number 529–0032191–1).

SEC. 1602. LIBERTY BELL REPLICA.

The Secretary of the Treasury shall admit free of duty a replica of the Liberty Bell imported from the Whitechapel Bell Foundry of London, England, by the Liberty Memorial Association of Green Bay and Brown County,

Wisconsin, for use by the city of Green Bay, Wisconsin and Brown County, Wisconsin.

SEC. 1603. CERTAIN ENTRIES OF COTTON GLOVES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 6116.92.64 or subheading 6116.92.74; and

(2) shall reliquidate such merchandise under subheading 6116.92.88 at the rate of duty then applicable under such subheading.

(b) REFUND OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for the reliquidation of an entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
0397329–2	02/02/00
0395844–2	12/15/99
0394509–2	09/27/99
0393293–4	08/11/99
0391942–8	06/21/99
0389842–4	04/01/99
0387094–4	12/21/98
0386845–0	12/16/98
0385488–0	10/28/98
0384053–3	09/01/98
0382090–7	06/04/98
0381125–5	04/11/98
0289673–4	01/26/98
0288778–2	12/10/97
0288085–2	11/07/97
0386624–0	08/02/97
0284468–4	04/29/97
0283060–0	03/10/97
0281394–5	11/27/96
0274823–2	01/10/96
0274523–8	12/22/95
0274113–8	11/30/95
0273038–8	10/13/95
0272524–8	09/14/95
0272128–8	08/23/95
0271540–5	07/27/95
0270995–2	07/03/95
0270695–8	06/09/95
0269959–1	05/09/95
0269276–0	04/04/95
0265832–4	11/02/94
0264841–6	09/08/94

SEC. 1604. CERTAIN ENTRIES OF POSTERS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 4911.91.20 at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 4911.91.40 on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (c) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
F1126496605	09/24/00
F1117735656	10/18/00
90100999235	02/14/01
90101010321	04/23/01
90101001700	02/28/01
28100674408	04/25/01
28100671081	04/09/01
28100670398	04/06/01
F1126187352	06/19/00
F1126530833	10/05/00
28100678433	05/18/01
90100999235	04/14/01
90101001700	02/28/01

SEC. 1605. CERTAIN ENTRIES OF POSTERS ENTERED IN 1999 AND 2000.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall—

(1) not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (c) containing any merchandise which, at the time of the original liquidation, was classified under subheading 4911.91.20 at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 4911.91.40 on the date of entry; and

(2) within 90 days after such liquidation or reliquidation—

(A) refund any excess duties paid with respect to such entries, including interest from the date of entry; or

(B) relieve the importer of record of any excess duties, penalties, or fines associated with the excess duties.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to any entry described in subsection (c) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
582–0002495–7	September 2, 1999
582–0093847–9	November 19, 1999
582–8905213–4	March 8, 1999
582–2250697–3	February 21, 2000
582–0197509–0	February 18, 2000
582–1296965–2	February 20, 2000
582–0212609–9	March 1, 2000
582–0215607–0	March 3, 2000
582–0242091–4	March 24, 2000
582–0046610–9	October 12, 1999
582–0251198–5	March 31, 2000
582–0002495–7	September 2, 1999
528–0088559–7	November 16, 1999
582–0093847–9	November 19, 1999
582–0068164–0	October 29, 1999
582–0163876–3	January 20, 2000
582–0136646–4	December 22, 1999
582–0126598–9	December 15, 1999
582–0111417–9	December 3, 1999
445–2163068–9	November 14, 1999
445–2161190–3	September 6, 1999
445–2163176–0	November 18, 1999
445–2164563–8	January 13, 2000
445–2166869–7	April 12, 2000
445–2162118–3	October 10, 1999
U16–0101858–7	May 2, 2000
182–0167758–2	November 1, 2000

SEC. 1606. CERTAIN ENTRIES OF 13–INCH TELEVISIONS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under the following subheadings with respect to which there would have been no duty or a lesser duty if the amendments made by section 1003 of the Miscellaneous Trade and Technical Corrections Act of 1999 had applied to such entry or withdrawal:

(1) Subheading 8528.12.12.
(2) Subheading 8528.12.20.
(3) Subheading 8528.12.62.
(4) Subheading 8528.12.68.
(5) Subheading 8528.12.76.
(6) Subheading 8528.12.84.
(7) Subheading 8528.21.16.
(8) Subheading 8528.21.24.
(9) Subheading 8528.21.55.
(10) Subheading 8528.21.65.
(11) Subheading 8528.21.75.
(12) Subheading 8528.21.85.
(13) Subheading 8528.30.62.
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.
(16) Subheading 8540.11.44.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of the enactment of this Act, and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), are as follows:

Entry number	Date of entry	Date of liquidation
110–17072538	11/03/98	09/17/99
110–17091314	11/23/98	10/08/99
110–17091322	11/23/98	10/08/99
110–17216804	12/31/98	11/12/99
110–20748215	04/20/99	03/03/00
110–20762802	04/28/99	03/10/00
110–20848544	05/12/99	03/31/00
110–20848569	05/18/99	03/31/00
110–20988456	06/22/99	05/04/00
110–20993563	06/22/99	05/15/00
110–20997705	06/22/99	05/05/00
110–63822017	06/09/97	05/05/00
110–63822041	06/09/97	
110–63822082	06/09/97	
110–68575370	07/11/97	05/22/98
110–68575610	07/11/97	05/22/98
110–15093163	10/05/98	08/20/99
110–15173551	11/02/98	09/17/99
110–17091132	11/07/98	09/24/99
110–17217265	12/05/98	10/15/99
110–20762364	04/12/99	02/18/00
110–63822025	06/09/97	
110–75485118	02/12/98	12/28/98
110–75492643	02/12/98	12/28/98
110–75793447	07/07/98	05/21/99
110–20993704	06/20/99	05/05/00
110–66600972	06/07/97	04/17/98
110–66603414	06/14/97	
110–66603448	06/07/97	04/17/98
110–66617810	06/21/97	05/01/98
110–66618099	06/23/97	05/08/98
110–68156429	07/12/97	05/22/98
110–68165818	07/19/97	05/29/98

Entry number	Date of entry	Date of liquidation
110–68165826	07/19/97	05/29/98
110–68171576	07/26/97	06/05/98
110–68175767	08/02/97	06/12/98
110–68177029	08/02/97	06/12/98
110–68217833	08/16/97	06/26/98
110–68220167	08/16/97	07/06/98
110–68220183	08/19/97	07/06/98
110–68233418	08/24/97	07/10/98
110–68234424	08/25/97	07/10/98
110–70008550	09/20/97	07/31/98
110–70014707	09/20/97	07/31/98
110–70014723	09/20/97	07/31/98
110–70014731	09/30/97	07/31/98
110–70014756	09/20/97	07/31/98
110–70014798	09/20/97	07/31/98
110–70100464	10/11/97	08/21/98
110–70106651	10/19/97	09/04/98
110–70106669	10/19/97	09/04/98
110–70112584	10/25/97	09/04/98
110–70113970	10/25/97	09/04/98
110–70113996	10/25/97	09/04/98
110–70115199	10/25/97	09/04/98
110–70190978	11/08/97	09/18/98
110–70192990	11/08/97	09/18/98
110–70198906	11/15/97	09/25/98
110–70198914	11/15/97	09/25/98
110–70204233	11/29/97	10/09/98
110–70204266	11/22/97	10/02/98
110–75399046	12/19/97	10/30/98
110–75399103	01/04/98	11/20/98
110–75481455	01/24/98	12/04/98
110–75485563	01/24/98	12/04/98
110–75494953	02/07/98	12/18/98
110–04901383	07/11/97	05/22/98
110–33326985	07/07/97	05/22/98
110–63019333	07/11/97	05/22/98
110–63821993	06/07/97	04/17/98
110–66600378	06/20/97	05/01/98
110–66601004	06/20/97	05/01/98
110–66603380	06/20/97	05/01/98
110–66625441	07/07/97	05/22/98
110–66626951	07/07/97	05/22/98
110–68175825	08/04/97	06/19/98
110–68182938	08/11/97	06/26/98
110–68184140	08/11/97	06/26/98
110–68184918	08/11/97	06/26/98
110–68184926	08/11/97	06/26/98
110–68184934	08/11/97	06/26/98
110–68184942	08/11/97	06/26/98
110–68229994	09/08/97	07/24/98
110–68230000	09/08/97	07/24/98
110–68230232	09/03/97	07/17/98
110–70009715	09/22/97	08/07/98
110–70024698	10/07/98	08/21/98
110–70028764	10/13/97	08/28/98
110–70028772	10/13/97	08/28/98
110–70103625	10/30/98	09/11/98
110–70186810	11/13/97	09/25/98
110–70190937	11/26/97	10/09/98
110–70192362	11/19/97	10/02/98
110–70199151	11/26/97	10/09/98
110–70204555	12/04/97	10/16/98
110–70204563	12/04/97	10/16/98
110–70206360	12/06/97	10/23/98
110–75399079	01/07/98	11/20/98
110–75492627	02/11/98	12/28/98
110–75492635	02/11/98	12/28/98
110–14975204	09/15/98	07/30/99
110–20848643	05/19/99	05/31/00
110–20988472	06/20/99	05/05/00
110–20993589	06/20/99	05/05/00
110–75485126	02/11/98	12/28/98
110–75793405	07/16/98	05/28/99
110–75793611	08/04/98	06/18/99
110–75931278	08/16/98	07/02/99
110–75938893	08/16/98	07/23/99

SEC. 1607. NEOPRENE SYNCHRONOUS TIMING BELTS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the entries described in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of the entries under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRIES.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
469/00133193	07/06/89	11/22/91
469/00136022	07/28/89	11/22/91
469/00143135	09/26/89	02/09/90
469/00148969	11/08/89	03/02/90
469/00152565	12/06/89	03/30/90
469/00154785	12/28/89	11/29/91
469/00159461	02/01/90	11/22/91
469/00161921	02/26/90	11/22/91
469/00170237	04/24/90	11/22/91
469/00173546	05/21/90	11/22/91
469/00176218	06/06/90	03/13/92
469/00137038	08/08/89	11/29/91
469/00152599	12/06/89	03/30/90
469/00152607	12/06/89	04/06/90
469/00159610	02/06/90	11/29/91
469/00169205	04/17/90	08/10/90

SEC. 1608. ENTRIES OF CERTAIN APPAREL ARTICLES PURSUANT TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT OR THE AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Customs Service shall liquidate or reliquidate as free of duty and free of any quantitative restrictions, limitations, or consultation levels entries of articles described in subsection (d) made on or after October 1, 2000.

(b) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of any entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) ENTRIES.—The entries referred to in subsection (a) are—

(1) entries of apparel articles (other than socks provided for in heading 6115 of the Harmonized Tariff Schedule of the United States) that meet the requirements of section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (as amended by section 3107(a) of the Trade Act of 2002 and section 2005(c) of this Act); and

(2) entries of apparel articles that meet the requirements of section 112(b) of the African Growth and Opportunity Act (as amended by section 3108 of the Trade Act of 2002 and section 2005(b) of this Act).

SEC. 1609. CERTAIN ENTRIES PREMATURELY LIQUIDATED IN ERROR.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate those entries described in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce, and the final results of the administrative reviews, for entries made on or after December 1, 1993 and before April 1, 2001.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a), are as follows:

Entry number	Date of entry	Date of liquidation
669–26046013	02/09/94	07/12/96
112–62707166	02/12/94	05/14/99
669–26046716	03/05/94	07/12/96
669–26046997	03/16/94	07/12/96
669–26047094	03/22/94	07/12/96
669–26047508	04/03/94	07/12/96
225–41000430	04/11/94	07/29/94
669–26047862	04/19/94	07/12/96
669–26048027	04/22/94	07/12/96
669–26048050	04/22/94	07/12/96
669–26048068	04/22/94	07/12/96
669–26049199	06/05/94	07/12/96
051–01380045	06/14/94	06/21/96
225–21019541	07/02/94	Unknown
669–26050742	07/20/94	07/12/96
669–26051294	08/16/94	07/19/96
669–26051377	08/17/94	07/12/96
669–26051401	08/23/94	07/19/96
051–01378452	09/01/94	08/16/96
669–26051906	09/06/94	07/19/96
669–26052714	10/05/94	07/19/96
669–26054629	01/02/95	07/12/96
669–26054918	01/21/95	07/12/96
669–00985582	02/17/95	09/17/99
225–41030148	05/01/95	01/20/95
112–85106669	06/07/95	02/25/00
112–80968196	08/03/95	11/17/95
669–26059347	09/02/95	07/12/96
112–79650961	09/27/95	12/29/95
669–28017335	10/06/95	06/14/96
112–05038720	05/01/96	08/02/96
112–17629326	01/06/97	04/18/97
112–17629326	03/12/97	04/18/97
669–01225053	06/12/97	10/15/99
669–01223637	06/25/97	10/08/99
669–01225418	06/25/97	10/08/99
669–01225913	06/27/97	10/08/99
669–01227380	07/03/97	10/08/99
669–01232166	07/07/97	10/08/99
669–01230533	07/09/97	10/08/99
669–01236357	07/30/97	10/08/99
100–47966294	08/08/97	08/26/99
669–01241811	08/13/97	10/08/99
669–01245838	08/27/97	10/08/99
669–01247933	09/04/97	10/15/99
669–01251448	09/21/97	10/08/99
669–01254020	09/24/97	10/08/99
669–01256801	10/01/97	10/08/99
669–01259466	10/15/97	10/08/99
669–01260753	10/15/97	10/08/99
669–01261363	10/16/97	10/08/99
669–01262650	10/22/97	10/08/99
669–01263856	10/24/97	10/08/99
669–01267337	11/06/97	10/08/99
669–01269200	11/12/97	10/08/99
669–01271784	11/20/97	10/08/99
669–01271800	11/23/97	10/08/99
669–01272907	11/30/97	10/08/99
669–01273673	11/30/97	10/08/99
669–01274119	11/30/97	10/08/99
669–01276585	12/04/97	10/08/99
669–01278763	12/14/97	10/15/99
669–01283441	12/30/97	10/08/99
669–01296948	01/09/98	10/08/99
669–01292186	01/22/98	10/08/99
669–04201964	01/23/98	10/08/99
112–14206987	01/23/98	02/22/99
669–01295130	02/01/98	10/08/99
669–01296955	02/05/98	10/08/99
669–01297649	02/12/98	10/08/99
669–01298530	02/12/98	10/08/99
669–01302126	02/21/98	10/08/99
669–01302134	02/21/98	10/08/99
669–01302530	02/21/98	10/08/99
669–01303546	02/21/98	10/08/99
669–01304569	02/27/98	10/08/99
669–01305947	03/05/98	10/08/99
669–01306978	03/07/98	10/08/99
669–01306986	03/07/98	10/08/99
669–01307554	03/12/98	10/08/99
669–01312711	03/14/98	10/08/99
669–28050047	03/20/98	04/02/99
669–01312703	03/21/98	10/08/99
669–01318072	04/07/98	10/08/99
669–01324781	04/24/98	10/08/99
669–01325218	04/25/98	10/08/99
669–01327586	04/30/98	10/08/99
669–01330283	May–98	10/08/99
669–01332081	May–98	10/08/99

112–35098876	05/08/98	04/02/99
669–01332081	05/16/98	10/08/99
669–01335357	05/26/98	10/08/99
700–07050910	05/30/98	03/24/00
110–54366892	06/03/98	04/16/99
112–38590861	09/09/98	07/23/99
112–01742119	04/20/99	08/09/96
110–64694523	10/07/99	10/01/99

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 1701. HAIR CLIPPERS.

(a) IN GENERAL.—Heading 8510 of chapter 85 is amended—

(1) by striking subheading 8510.20.00 and inserting the following, with the article description for subheading 8510.20 having the same degree of indentation as the article description for subheading 8510.10.00, and with the article descriptions for subheadings 8510.20.10 and 8510.20.90 having the same degree of indentation as the article description for subheading 8510.90.55:

"	8510.20	Hair clippers:					
	8510.20.10	Hair clippers to be used for agricultural or horticultural purposes	4%	Free (A, CA, E, IL, J, MX)	45%		
	8510.20.90	Other	4%	Free (A, CA, E, IL, J, MX)	45%		";

and

(2) by striking subheading 8510.90.30 and inserting the following subheadings and superior text thereto, with such superior text having the same degree of indentation as the article description for subheading 8510.90.55:

"		Parts of hair clippers:				
	8510.90.30	Parts of hair clippers to be used for agricultural or horticultural purposes	4%	Free (A,CA,E, IL,J,MX)	45%	
	8510.90.40	Other parts of hair clippers	4%	Free (A,CA,E, IL,J,MX)	45%	".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

SEC. 1702. TRACTOR BODY PARTS.

(a) CERTAIN TRACTOR PARTS.—Heading 8708 is amended by striking subheading 8708.29.20 and inserting the following new subheadings, with the superior heading for subheadings 8708.29.21 and 8708.29.25 having the same degree of indentation as the article description for subheading 8708.29.15:

"		Body stampings:					
	8708.29.21	For tractors suitable for agricultural use	Free			Free	
	8708.29.25	Other	2.5%	Free (A, B, CA, E, IL, J, JO, MX)		25%	";

(b) STAGED RATE REDUCTIONS.—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act, that—

(1) would take effect on or after such date of enactment; and

(2) would, but for the amendment made by subsection (a), apply to subheading 8708.29.20 of the Harmonized Tariff Schedule of the United States, applies to the corresponding rate of duty set forth in subheading 8708.29.25 of such Schedule (as added by subsection (a)).

SEC. 1703. FLEXIBLE MAGNETS AND COMPOSITE GOODS CONTAINING FLEXIBLE MAGNETS.

Heading 8505 of chapter 85 is amended—

(1) by striking subheading 8505.19.00 and inserting the following new subheadings, with the article description for subheadings 8505.19.10, 8505.19.20, and 8505.19.30 having the same degree of indentation as the article description for subheading 8505.11.00:

"	8505.19.10	Flexible magnet	4.9%	Free (A, CA, E, IL, J, MX)	45%		
	8505.19.20	Composite goods containing flexible magnet	4.9%	Free (A, CA, E, IL, J, MX)	45%		
	8505.19.30	Other	4.9%	Free (A, CA, E, IL, J, MX)	45%		".

SEC. 1704. VESSEL REPAIR DUTIES.

(a) EXEMPTION.—Section 466(h) of the Tariff Act of 1930 (19 U.S.C. 1466(h)) is amended—

(1) in paragraph (1), by striking the comma at the end and inserting a semicolon;

(2) in paragraph (2), by striking '', or'' at the end and inserting a semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(4) the cost of equipment, repair parts, and materials that are installed on a vessel documented under the laws of the United States and engaged in the foreign or coasting trade, if the installation is done by members of the regular crew of such vessel while the vessel is on the high seas.

Declaration and entry shall not be required with respect to the installation, equipment, parts, and materials described in paragraph (4).''.

(b) AMENDMENT TO HTS.—Subchapter XVIII of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by striking ''U.S. Note'' and inserting ''U.S. Notes'' and by adding after U.S. note 1, the following new note:

''2. Notwithstanding the provisions of subheadings 9818.00.03 through 9818.00.07, no duty shall apply to the cost of equipment, repair parts, and materials that are installed in a vessel documented under the laws of the United States and engaged in the foreign or coasting trade, if the installation is done by members of the regular crew of such vessel while the vessel is on the high seas, and declaration and entry shall not be required with respect to such installation, equipment, parts, and materials.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to vessel equipment, repair parts, and materials installed on or after April 25, 2001.

SEC. 1705. DUTY-FREE TREATMENT FOR HAND-KNOTTED OR HAND-WOVEN CARPETS.

(a) AMENDMENT OF THE TRADE ACT OF 1974.—Section 503(b) of the Trade Act of 1974 (19 U.S.C. 2463(b)) is amended by adding at the end the following new paragraph:

''(4) CERTAIN HAND-KNOTTED OR HAND-WOVEN CARPETS.—Notwithstanding paragraph (1)(A), the President may designate as an eligible article or articles under subsection (a) carpets or rugs which are hand-loomed, hand-woven, hand-hooked, hand-tufted, or hand-knotted, and classifiable under subheadings 5701.10.16, 5701.10.40, 5701.90.10, 5701.90.20, 5702.10.90, 5702.42.20, 5702.49.10, 5702.51.20, 5702.91.30, 5702.92.00, 5702.99.10, 5703.10.00, 5703.20.10, or 5703.30.00 of the Harmonized Tariff Schedule of the United States.''.

(b) CONFORMING AMENDMENT.—Section 503(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2463(b)(1)(A)) is amended by striking ''Textile'' and inserting ''Except as provided in paragraph (4), textile''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any article entered, or withdrawn from warehouse for consumption, on or after the date on which the President makes a designation with respect to the article under section 503(b)(4) of the Trade Act of 1974, as added by subsection (a).

SEC. 1706. DUTY DRAWBACK FOR CERTAIN ARTICLES.

Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

''(y) ARTICLES SHIPPED TO THE UNITED STATES INSULAR POSSESSIONS.—Articles described in subsection (j)(1) shall be eligible for drawback under this section if duty was paid on the merchandise upon importation into the United States and the person claiming the drawback demonstrates that the merchandise has entered the customs territory of the United States Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Guam, Canton Island, Enderbury Island, Johnston Island, or Palmyra Island.''.

SEC. 1707. UNUSED MERCHANDISE DRAWBACK.

(a) IN GENERAL.—Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended—

(1) in paragraph (1), by striking ''because of its'' and inserting ''upon entry or''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''because of its'' and inserting ''upon entry or''; and

(B) in subparagraph (C)(ii)(II)—

(i) by striking ''then upon'' and inserting ''then, notwithstanding any other provision of law, upon''; and

(ii) by striking ''shall be refunded as drawback'' and inserting ''shall be refunded as drawback hereunder''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply to any drawback claim filed on or after that date and to any drawback entry filed before that date if the liquidation of the entry is not final on that date.

SEC. 1708. TREATMENT OF CERTAIN FOOTWEAR UNDER CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended as follows:

(1) In paragraph (1)(B), to read as follows:

''(B) footwear provided for in any subheadings 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.30, 6401.99.60, 6401.99.90, 6402.30.50, 6402.30.70, 6402.30.80, 6402.91.50, 6402.91.80, 6402.91.90, 6402.99.20, 6402.99.80, 6402.99.90, 6403.59.60, 6403.91.30, 6403.99.60, 6403.99.90, 6404.11.90, and 6404.19.20 of the HTS of the United States that was not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;''.

(2) In paragraph (3)(A)—

(A) in clause (i), by striking ''Subject to clause (ii)'' and inserting ''Subject to clauses (ii) and (iii)''; and

(B) by adding at the end the following:

''(iii) CERTAIN FOOTWEAR.—Notwithstanding paragraph (1)(B) and clause (i) of this subparagraph, footwear provided for in subheadings 6403.59.60, 6403.91.30, 6403.99.60, and 6403.99.90 of the HTS shall be eligible for the duty-free treatment provided for under this title if—

''(I) the article of footwear is the growth, product, or manufacture of a CBTPA beneficiary country; and

''(II) the article otherwise meets the requirements of subsection (a), except that in applying such subsection, 'CBTPA beneficiary country' shall be substituted for 'beneficiary country' each place it appears.''.

SEC. 1709. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) IN GENERAL.—Section 1453(a) of the Tariff Suspension and Trade Act of 2000 is amended by striking ''2-year period'' and inserting ''4-year period''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on November 9, 2002.

SEC. 1710. AUTHORITY FOR THE ESTABLISHMENT OF INTEGRATED BORDER INSPECTION AREAS AT THE UNITED STATES-CANADA BORDER.

(a) FINDINGS.—Congress makes the following findings:

(1) The increased security and safety concerns that developed in the aftermath of the terrorist attacks in the United States on September 11, 2001, need to be addressed.

(2) One concern that has come to light is the vulnerability of the international bridges and tunnels along the United States borders.

(3) It is necessary to ensure that potentially dangerous vehicles are inspected prior to crossing these bridges and tunnels; however, currently these vehicles are not inspected until after they have crossed into the United States.

(4) Establishing Integrated Border Inspection Areas (IBIAs) would address these concerns by inspecting vehicles before they gained access to the infrastructure of international bridges and tunnels joining the United States and Canada.

(b) CREATION OF INTEGRATED BORDER INSPECTION AREAS.—

(1) IN GENERAL.—The Commissioner of the Customs Service, in consultation with the Canadian Customs and Revenue Agency (CCRA), shall seek to establish Integrated Border Inspection Areas (IBIAs), such as areas on either side of the United States-Canada border, in which United States Customs officers can inspect vehicles entering the United States from Canada before they enter the United States, or Canadian Customs officers can inspect vehicles entering Canada from the United States before they enter Canada. Such inspections may include, where appropriate, employment of reverse inspection techniques.

(2) ADDITIONAL REQUIREMENT.—The Commissioner of Customs, in consultation with the Administrator of the General Services Administration when appropriate, shall seek to carry out paragraph (1) in a manner that minimizes adverse impacts on the surrounding community.

(3) ELEMENTS OF THE PROGRAM.—Using the authority granted by this section and under section 629 of the Tariff Act of 1930, the Commissioner of Customs, in consultation with the Canadian Customs and Revenue Agency, shall seek to—

(A) locate Integrated Border Inspection Areas in areas with bridges or tunnels with high traffic volume, significant commercial activity, and that have experienced backups and delays since September 11, 2001;

(B) ensure that United States Customs officers stationed in any such IBIA on the Canadian side of the border are vested with the maximum authority to carry out their duties and enforce United States law;

(C) ensure that United States Customs officers stationed in any such IBIA on the Canadian side of the border shall possess the same immunity that they would possess if they were stationed in the United States; and

(D) encourage appropriate officials of the United States to enter into an agreement with Canada permitting Canadian Customs officers stationed in any such IBIA on the United States side of the border to enjoy such immunities as permitted in Canada.

SEC. 1711. DESIGNATION OF FOREIGN LAW ENFORCEMENT OFFICERS.

(a) MISCELLANEOUS PROVISIONS.—Section 401(i) of the Tariff Act of 1930 (19 U.S.C. 1401(i)) is amended by inserting '', including foreign law enforcement officers,'' after ''or other person''.

(b) INSPECTIONS AND PRECLEARANCE IN FOREIGN COUNTRIES.—Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) is amended—

(1) in subsection (a), by inserting '', or subsequent to their exit from,'' after ''prior to their arrival in'';

(2) in subsection (c)—

(A) by inserting ''or exportation'' after ''relating to the importation''; and

(B) by inserting ''or exit'' after ''port of entry'';

(3) in subsection (e), to read as follows:

''(e) STATIONING OF FOREIGN CUSTOMS AND AGRICULTURE INSPECTION OFFICERS IN THE UNITED STATES.—The Secretary of State, in coordination with the Secretary and the Secretary of Agriculture, may enter into agreements with any foreign country authorizing the stationing in the United States of customs and agriculture inspection officials of that country (if similar privileges are extended by that country to United States officials) for the purpose of insuring that persons and merchandise going directly to that country from the United States, or that have gone directly from that country to the United States, comply with the customs and other laws of that country governing the importation or exportation of merchandise. Any foreign customs or agriculture inspection official stationed in the United States under this subsection may exercise such functions, perform such duties, and enjoy such privileges and immunities as United States officials may be authorized to perform or are afforded in that foreign country by treaty, agreement or law.''; and

(4) by adding at the end the following:

''(g) PRIVILEGES AND IMMUNITIES.—Persons designated to perform the duties of an officer of the Customs Service pursuant to section 1401(i) of this title shall be entitled to the same privileges and immunities as an officer of the Customs Service with respect to any actions taken by the designated person in the performance of such duties.''.

(c) CONFORMING AMENDMENT.—Section 127 of the Treasury Department Appropriations Act, 2003, is hereby repealed.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, take effect on the date of the enactment of this Act.

SEC. 1712. AMENDMENTS TO UNITED STATES INSULAR POSSESSION PROGRAM.

(a) PRODUCTION CERTIFICATES.—Additional U.S. Note 5(h) to chapter 91 is amended—

(1) by amending subparagraphs (i) and (ii) to read as follows:

''(i) In the case of each of calendar years 2003 through 2015, the Secretaries jointly, shall—

''(A) verify—

''(1) the wages paid by each producer to permanent residents of the insular possessions during the preceding calendar year (including the value of usual and customary health insurance, life insurance, and pension benefits); and

''(2) the total quantity and value of watches and watch movements produced in the insular possessions by that producer and imported free of duty into the customs territory of the United States; and

''(B) issue to each producer (not later than 60 days after the end of the preceding calendar year) a certificate for the applicable amount.

''(ii) For purposes of subparagraph (i), except as provided in subparagraphs (iii) and (iv), the term 'applicable amount' means an amount equal to the sum of—

''(A) 90 percent of the producer's creditable wages (including the value of usual and customary health insurance, life insurance, and pension benefits) on the assembly during the preceding calendar year of the first 300,000 units; plus

''(B) the applicable graduated declining percentage (determined each year by the Secretaries) of the producer's creditable wages (including the value of usual and customary health insurance, life insurance, and pension benefits) on the assembly during the preceding calendar year of units in excess of 300,000 but not in excess of 750,000; plus

''(C) the difference between the duties that would have been due on each producer's watches and watch movements (excluding digital watches and excluding units in excess of the 750,000 limitation of this subparagraph) imported into the customs territory of the United States free of duty during the preceding calendar year if the watches and watch movements had been subject to duty at the rates set forth in column 1 under this chapter that were in effect on January 1, 2001, and the duties that would have been due on the watches and watch movements if the watches and watch movements had been subject to duty at the rates set forth in column

1 under this chapter that were in effect for such preceding calendar year.''; and

(2) by amending subparagraph (v) to read as follows:

''(v) Any certificate issued under subparagraph (i) shall entitle the certificate holder to secure a refund of duties equal to the face value of the certificate on any articles that are imported into the customs territory of the United States by the certificate holder. Such refunds shall be made under regulations issued by the Treasury Department. Not more than 5 percent of such refunds may be retained as a reimbursement to the Customs Service for the administrative costs of making the refunds.''.

(b) JEWELRY.—Additional U.S. Note 3 to chapter 71 is amended—

(1) by redesignating paragraphs (b), (c), (d), and (e) as paragraphs (c), (d), (e), and (f), respectively;

(2) by inserting after paragraph (a) the following new paragraph:

''(b) Notwithstanding additional U.S. Note 5(h)(ii)(B) to chapter 91, articles of jewelry subject to this note shall be subject to a limitation of 10,000,000 units.''; and

(3) by striking paragraph (f), as so redesignated, and inserting the following:

''(f) Notwithstanding any other provision of law, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa by a jewelry manufacturer or jewelry assembler that commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa after August 9, 2001, shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule if such article is entered no later than 18 months after such jewelry manufacturer or jewelry assembler commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods imported into the customs territory of the United States on or after January 1, 2003.

SEC. 1713. MODIFICATION OF PROVISIONS RELATING TO DRAWBACK CLAIMS.

(a) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—Section 313(c) of the Tariff Act of 1930 (19 U.S.C. 1313(c)), is amended to read as follows:

''(c) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—

''(1) CONDITIONS FOR DRAWBACK.—Upon the exportation or destruction under the supervision of the Customs Service of articles or merchandise—

''(A) upon which the duties have been paid,

''(B) which has been entered or withdrawn for consumption,

''(C) which is—

''(i) not conforming to sample or specifications, shipped without the consent of the consignee, or determined to be defective as of the time of importation, or

''(ii) ultimately sold at retail by the importer, or the person who received the merchandise from the importer under a certificate of delivery, and for any reason returned to and accepted by the importer, or the person who received the merchandise from the importer under a certificate of delivery, and

''(D) which, within 3 years after the date of importation or withdrawal, as applicable, has been exported or destroyed under the supervision of the Customs Service,

the full amount of the duties paid upon such merchandise, less 1 percent, shall be refunded as drawback.

''(2) DESIGNATION OF IMPORT ENTRIES.—For purposes of paragraph (1)(C)(ii), drawback may be claimed by designating an entry of merchandise that was imported within 1 year before the date of exportation or destruction of the merchandise described in paragraph (1) (A) and (B) under the supervision of the Customs Service. The merchandise designated for drawback must be identified in the import documentation with the same eight-digit classification number and specific product identifier (such as part number, SKU, or product code) as the returned merchandise.

''(3) WHEN DRAWBACK CERTIFICATES NOT REQUIRED.—For purposes of this subsection, drawback certificates are not required if the drawback claimant and the importer are the same party, or if the drawback claimant is a drawback successor to the importer as defined in subsection (s)(3).''.

(b) TIME LIMITATION ON EXPORTATION OR DESTRUCTION.—Section 313(i) of the Tariff Act of 1930 (19 U.S.C. 1313(i)), is amended—

(1) by striking ''No'' and inserting ''Unless otherwise provided for in this section, no''; and

(2) by inserting '', or destroyed under the supervision of the Customs Service,'' after ''exported''.

(c) USE OF DOMESTIC MERCHANDISE ACQUIRED IN EXCHANGE FOR IMPORTED MERCHANDISE OF SAME KIND AND QUALITY.—Section 313(k) of the Tariff Act of 1930 (19 U.S.C. 1313(k)), is amended—

(1) by striking ''(k)'' and inserting ''(k)(1)''; and

(2) by adding at the end the following new paragraph:

''(2) For purposes of subsections (a) and (b), the use of any domestic merchandise acquired in exchange for a drawback product of the same kind and quality shall be treated as the use of such drawback product if no certificate of delivery or certificate of manufacture and delivery pertaining to such drawback product is issued, other than that which documents the product's manufacture and delivery. As used in this paragraph, the term 'drawback product' means any domestically produced product, manufactured with imported merchandise or any other merchandise (whether imported or domestic) of the same kind and quality, that is subject to drawback.''.

(d) PACKAGING MATERIAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)), is amended to read as follows:

''(q) PACKAGING MATERIAL.—

''(1) PACKAGING MATERIAL UNDER SUBSECTIONS (c) AND (j).—Packaging material, whether imported and duty paid, and claimed for drawback under either subsection (c) or (j)(1), or imported and duty paid, or substituted, and claimed for drawback under subsection (j)(2), shall be eligible for drawback, upon exportation, of 99 percent of any duty, tax, or fee imposed under Federal law on such imported material.

''(2) PACKAGING MATERIAL UNDER SUBSECTIONS (a) AND (b).—Packaging material that is manufactured or produced under subsection (a) or (b) shall be eligible for drawback, upon exportation, of 99 percent of any duty, tax, or fee imposed under Federal law on the imported or substituted merchandise used to manufacture or produce such material.

''(3) CONTENTS.—Packaging material described in paragraphs (1) and (2) shall be eligible for drawback whether or not they contain articles or merchandise, and whether or not any articles or merchandise they contain are eligible for drawback.

''(4) EMPLOYING PACKAGING MATERIAL FOR ITS INTENDED PURPOSE PRIOR TO EXPORTATION.—The use of any packaging material for its intended purpose prior to exportation shall not be treated as a use of such material prior to exportation for purposes of applying subsection (a), (b), or (c), or paragraph (1)(B) or (2)(C)(i) of subsection (j).''.

(e) LIMITATION ON LIQUIDATION.—Section 504 of the Tariff Act of 1930 (19 U.S.C. 1504) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) LIQUIDATION.—

''(1) ENTRIES FOR CONSUMPTION.—Unless an entry of merchandise for consumption is extended under subsection (b) of this section or suspended as required by statute or court order, except as provided in section 751(a)(3), an entry of merchandise for consumption not liquidated within 1 year from—

''(A) the date of entry of such merchandise,

''(B) the date of the final withdrawal of all such merchandise covered by a warehouse entry,

''(C) the date of withdrawal from warehouse of such merchandise for consumption if, pursuant to regulations issued under section 505(a), duties may be deposited after the filing of any entry or withdrawal from warehouse, or

''(D) if a reconciliation is filed, or should have been filed, the date of the filing under section 484 or the date the reconciliation should have been filed, shall be deemed liquidated at the rate of duty, value, quantity, and amount of duties asserted at the time of entry by the importer of record.

Notwithstanding section 500(e), notice of liquidation need not be given of an entry deemed liquidated.

''(2) ENTRIES OR CLAIMS FOR DRAWBACK.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) or (C), unless an entry or claim for drawback is extended under subsection (b) or suspended as required by statute or court order, an entry or claim for drawback not liquidated within 1 year from the date of entry or claim shall be deemed liquidated at the drawback amount asserted by the claimant at the time of entry or claim. Notwithstanding section 500(e), notice of liquidation need not be given of an entry deemed liquidated.

''(B) UNLIQUIDATED IMPORTS.—An entry or claim for drawback whose designated or identified import entries have not been liquidated and become final within the 1-year period described in subparagraph (A), or within the 1-year period described in subparagraph (C), shall be deemed liquidated upon the deposit of estimated duties on the unliquidated imported merchandise, and upon the filing with the Customs Service of a written request for the liquidation of the drawback entry or claim. Such a request must include a waiver of any right to payment or refund under other provisions of law. The Secretary of the Treasury shall prescribe any necessary regulations for the purpose of administering this provision.

''(C) EXCEPTION.—An entry or claim for drawback filed before the date of the enactment of this paragraph, the liquidation of which is not final as of the date of the enactment of this paragraph, shall be deemed liquidated on the date that is 1 year after the date of the enactment of this paragraph at the drawback amount asserted by the claimant at the time of the entry or claim.

''(3) PAYMENTS OR REFUNDS.—Payment or refund of duties owed pursuant to paragraph (1) or (2) shall be made to the importer of record or drawback claimant, as the case may be, not later than 90 days after liquidation.

''(b) EXTENSION.—The Secretary may extend the period in which to liquidate an entry if—

''(1) the information needed for the proper appraisement or classification of the imported or withdrawn merchandise, or for determining the correct drawback amount, or

for ensuring compliance with applicable law, is not available to the Customs Service; or

''(2) the importer of record or drawback claimant, as the case may be, requests such extension and shows good cause therefor.

The Secretary shall give notice of an extension under this subsection to the importer of record or drawback claimant, as the case may be, and the surety of such importer of record or drawback claimant. Notice shall be in such form and manner (which may include electronic transmittal) as the Secretary shall by regulation prescribe. Any entry the liquidation of which is extended under this subsection shall be treated as having been liquidated at the rate of duty, value, quantity, and amount of duty asserted at the time of entry by the importer of record, or the drawback amount asserted at the time of entry by the drawback claimant, at the expiration of 4 years from the applicable date specified in subsection (a).'';

(2) in subsection (c)—

(A) by inserting ''or drawback claimant, as the case may be,'' after ''to the importer of record''; and

(B) by inserting ''or drawback claimant'' after ''of such importer of record''; and

(3) in subsection (d), by striking the period at the end and inserting ''or (in the case of a drawback entry or claim) at the drawback amount asserted at the time of entry by the drawback claimant.''.

(f) PENALTIES FOR FALSE DRAWBACK CLAIMS.—Section 593A(h) of the Tariff Act of 1930 (19 U.S.C. 1593a(h)) is amended by striking ''subsection (g)'' and inserting ''subsections (c) and (g)''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), (d), and (f) shall take effect on the date of enactment of this Act, and shall apply to—

(A) any drawback entry filed on and after such date of enactment; and

(B) any drawback entry filed before such date of enactment if the liquidation of the entry is not final on such date of enactment.

(2) SUBSECTION (e).—The amendments made by subsection (e) shall take effect on the date of enactment of this Act, and shall apply to—

(A) any entry of merchandise for consumption or entry or claim for drawback filed on and after such date of enactment; and

(B) any entry or claim for drawback filed before such date of enactment if the liquidation of the entry or claim is not final on such date of enactment.

Subtitle C—Effective Date

SEC. 1801. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of the enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. EXTENSION OF NONDISCRIMINATORY TREATMENT TO SERBIA AND MONTENEGRO.

Notwithstanding Public Law 102–420 (19 U.S.C. 2434 note), the President may proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Serbia and Montenegro (formerly the Federal Republic of Yugoslavia).

SEC. 2002. MODIFICATION TO CELLAR TREATMENT OF NATURAL WINE.

(a) IN GENERAL.—Subsection (a) of section 5382 of the Internal Revenue Code of 1986 (relating to cellar treatment of natural wine) is amended to read as follows:

''(a) PROPER CELLAR TREATMENT.—

''(1) IN GENERAL.—Proper cellar treatment of natural wine constitutes—

''(A) subject to paragraph (2), those practices and procedures in the United States, whether historical or newly developed, of using various methods and materials to stabilize the wine, or the fruit juice from which it is made, so as to produce a finished product acceptable in good commercial practice in accordance with regulations prescribed by the Secretary; and

''(B) subject to paragraph (3), in the case of wine produced and imported subject to an international agreement or treaty, those practices and procedures acceptable to the United States under such agreement or treaty.

''(2) RECOGNITION OF CONTINUING TREATMENT.—For purposes of paragraph (1)(A), where a particular treatment has been used in customary commercial practice in the United States, it shall continue to be recognized as a proper cellar treatment in the absence of regulations prescribed by the Secretary finding such treatment not to be proper cellar treatment within the meaning of this subsection.

''(3) CERTIFICATION OF PRACTICES AND PROCEDURES FOR IMPORTED WINE.—

''(A) IN GENERAL.—In the case of imported wine which is not subject to an international agreement or treaty under paragraph (1)(B), the Secretary shall accept the practices and procedures used to produce such wine, if, at the time of importation—

''(i) the importer provides the Secretary with a certification from the government of the producing country, accompanied by an affirmed laboratory analysis, that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1)(A), or

''(ii) in the case of an importer that owns or controls or that has an affiliate that owns or controls a winery operating under a basic permit issued by the Secretary, the importer certifies that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1)(A).

''(B) AFFILIATE DEFINED.—For purposes of this paragraph, the term 'affiliate' has the meaning given such term by section 117(a)(4) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(4)) and includes a winery's parent or subsidiary or any other entity in which the winery's parent or subsidiary has an ownership interest.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2004.

SEC. 2003. ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT UNDER THE ANDEAN TRADE PREFERENCE ACT.

The rate of duty applicable on the day before the date of the enactment of the Trade Act of 2002 to any article described in section 204(b)(1)(D) of the Andean Trade Preference Act (as amended by section 3103(a)(2) of the Trade Act of 2002) shall apply to such article on and after such date of enactment until such time as the President proclaims duty free treatment pursuant to section 204(b)(1) of such Act for such article.

SEC. 2004. TECHNICAL AMENDMENTS.

(a) TRADE ACT of 2002.—(1) Section 2(a)(4) of the Trade Act of 2002 is amended by striking ''and Other Provisions''.

(2) The table of contents of the Trade Act of 2002 is amended—

(A) in the item relating to section 342, by striking ''customs service'' and inserting ''Customs Service''; and

(B) by amending the item relating to section 3107 to read as follows:

''3107. Trade benefits under the Caribbean Basin Economic Recovery Act.''.

(3) The amendment made by section 111(b) of the Trade Act of 2002 shall be deemed never to have been enacted.

(4) Section 221(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(2)(A)) is amended by striking ''assistance, and appropriate'' and inserting ''assistance and appropriate''.

(5) Section 222(b) of the Trade Act of 1974 (19 U.S.C. 2272(b)) is amended—

(A) by striking the subsection heading and inserting the following: ''ADVERSELY AFFECTED SECONDARY WORKERS''; and

(B) in the matter preceding paragraph (1), by inserting ''pursuant to a petition filed under section 221'' after ''under this chapter''.

(6) Section 238(b)(1) of the Trade Act of 1974 is amended by striking ''Secretary,'' and inserting ''Secretary)''.

(7) Section 246 of the Trade Act of 1974 is amended—

(A) in subsection (a)(3)(B)(iii), by striking ''and'' after the semicolon; and

(B) in subsection (b)(2), by striking ''provided that'' and inserting ''if''.

(8) Section 124(b) of the Trade Act of 2002 is amended by striking ''by inserting after the item relating to section 245 the following new item'' and inserting ''by amending the item relating to section 246 to read as follows''.

(9) Section 296 of the Trade Act of 1974 is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''trade adjustment allowance'' and inserting ''adjustment assistance under this chapter''; and

(II) by striking ''such allowance'' and inserting ''such assistance''; and

(ii) in subparagraph (A), by striking ''subsection (a)'' and inserting ''this subsection''; and

(B) in subsection (b)(2), by striking ''paragraph (1) except'' and inserting ''paragraph (1), except''.

(10) Section 142 of the Trade Act of 2002 is amended—

(A) in subsection (a)(1)—

(i) by striking ''284(a)'' and ''2395(a)'' and inserting ''284'' and ''2395'', respectively; and

(ii) in subparagraph (A), by inserting ''in subsection (a),'' after ''(A)''; and

(B) in subsection (b), by striking '', as amended by subparagraph (A),''.

(11) Section 583(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1583(c)(1)) is amended by moving the matter preceding subparagraph (A) and subparagraphs (A) through (K) 2 ems to the right.

(12) Section 371(b) of the Trade Act of 2002 is amended by striking ''1330(e)(2)'' and inserting ''1330(e)''.

(13) Section 336 of the Trade Act of 2002 is amended to read as follows:

''SEC. 336. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

''(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) approximates the cost of services provided by the Customs Service relating to the fee so imposed.

''(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing—

''(1) the results of the study conducted under subsection (a); and

''(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

Notwithstanding any other provision of law, the report or its contents may only be disclosed by the Comptroller General to any

committee or Member of Congress and the Customs Service and shall not be disclosed to the public.''.

(14) Section 141(b)(2) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended by moving the paragraph 2 ems to the left.

(15) Section 2102(c) of the Trade Act of 2002 is amended—

(A) in paragraph (8), by striking ''this Act'' and inserting ''this title''; and

(B) in paragraph (12), by striking ''government engaged'' and inserting ''government is engaged''.

(16) Section 2103 of the Trade Act of 2002 is amended—

(A) in subsection (a)(1)(A), by striking ''June 1'' each place it appears and inserting ''July 1'';

(B) in subsection (b)(1)(C), by striking ''June 1'' each place it appears and inserting ''July 1'' and

(C) in subsection (c)—

(i) in paragraph (1)(B)(ii), by striking ''June 1'' and inserting ''July 1'';

(ii) in paragraph (2), by striking ''March 1'' and inserting ''April 1''; and

(iii) in paragraph (3), by striking ''May 1'' each place it appears and inserting ''June 1''.

(17) Section 2105(c) of the Trade Act of 2002 is amended by striking ''aand'' and inserting ''and''.

(18) Section 2113 of the Trade Act of 2002 is amended—

(A) in the first paragraph designated ''(2)'', by striking ''101(d)(12)'' and ''3511(d)(12)'' and inserting ''101(d)(13)'' and ''3511(d)(13)'', respectively; and

(B) in the second paragraph designated ''(2)''—

(i) by redesignating such paragraph as paragraph (3); and

(ii) by striking ''101(d)(13)'' and ''3511(d)(13)'' and inserting ''101(d)(12)'' and ''3511(d)(12)'', respectively.

(19) Section 4101(b)(1) of the Trade Act of 2002 is amended—

(A) in the matter preceding subparagraph (A), by striking ''entry—'' and inserting ''entry of any article—''; and

(B) in subparagraph (A), by striking ''of any article''.

(20) U.S. Note 15 to subchapter II of chapter 99 is amended by striking the comma after ''9902.51.11''.

(21) U.S. Note 16 to subchapter II of chapter 99 is amended by striking the comma after ''9902.51.12''.

(22)(A) Subheading 9804.00.70 is amended in the article description column—

(i) by striking ''$400'' and inserting ''$800''; and

(ii) by striking ''or up to $600 of which have been acquired in one or more beneficiary countries''.

(B) Subheading 9804.00.72 is amended in the article description column—

(i) by striking ''$600'' and inserting ''$800''; and

(ii) by striking ''not more than $400 of which shall have been acquired elsewhere than in beneficiary countries''.

(C) U.S. Note 4 to subchapter IV of chapter 98 is amended by striking ''subheadings 9804.00.70 and'' and inserting ''subheading''.

(23) Section 141(b) of the Trade Act of 2002 is amended by striking ''title'' and inserting ''subtitle''.

(24) Section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)) is amended—

(A) in subparagraph (A), by moving the margins for clause (ii) 4 ems to the left; and

(B) by moving the margins for subparagraph (B) 4 ems to the left.

(25) Section 13031(b)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''less than $2,000'' and inserting ''$2,000 or less''; and

(B) in clause (ii) to read as follows:

''(ii) Notwithstanding subsection (e)(6) and subject to the provisions of subparagraph (B)—

''(I) in the case of an express consignment carrier facility or centralized hub facility, $.66 per individual airway bill or bill of lading; and

''(II) if the shipment is formally entered, the fee provided in subsection (a)(9), if applicable.''.

(26) Section 13031(f)(1)(B) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(1)(B)) is amended by moving the subparagraph 2 ems to the left.

(b) APPAREL ARTICLES UNDER AFRICAN GROWTH AND OPPORTUNITY ACT.—(1) Section 112(b)(1) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(1)) is amended by striking ''(including'' and inserting ''or both (including''.

(2) Section 112(b)(3) of the African Growth and Opportunity Act (19 United States Code 3721(b)(3)) is amended in the matter preceding subparagraph (A)—

(A) by striking ''either in the United States or one or more beneficiary sub-Saharan African countries'' each place it appears and inserting ''in the United States or one or more beneficiary sub-Saharan African countries, or both''; and

(B) by striking ''subject to the following:'' and inserting ''whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2) (unless the apparel articles are made exclusively from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2)), subject to the following:''

(3) Section 112(b)(5)(A) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(5)(A)) is amended to read as follows:

''(A) IN GENERAL.—Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 to the NAFTA.''

(c) APPAREL ARTICLES UNDER CARIBBEAN BASIN ECONOMIC RECOVERY ACT.—(1) Section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)) is amended—

(A) in clause (i), by striking ''(including'' and inserting ''or both (including'';

(B) in clause (v), by striking '', from fabrics or yarn that is not formed in the United States or in one or more CBTPA beneficiary countries''; and

(C) in clause (vii)(IV), by striking ''(i) or (ii)'' and inserting ''(i), (ii), or (ix)''.

(2) Section 3107(a)(1)(B) of the Trade Act of 2002 is amended by striking ''(B) by adding at the end the following:'' and inserting ''(B) by amending the last two sentences to read as follows:''.

(d) TARIFF ACT OF 1930.—Section 505(a) of the Tariff Act of 1930 is amended—

(1) in the first sentence—

(A) by inserting ''referred to in this subsection'' after ''periodic payment''; and

(B) by striking ''10 working days'' and inserting ''12 working days''; and

(2) in the second sentence, by striking ''a participating'' and all that follows through the end of the sentence and inserting the following: ''the Secretary shall promulgate regulations permitting a participating importer of record to deposit estimated duties and fees for entries of merchandise, other than merchandise entered for warehouse, transportation, or under bond, no later than the 15 working days following the month in which the merchandise is entered or released, whichever comes first.''.

(e) ADDITIONAL TECHNICAL AMENDMENTS.—(1) The second and third U.S. Notes 6 to subchapter XVII of chapter 98 (as added by sections 1433(b) and 1456(b) of the Tariff Suspension and Trade Act of 2000, respectively) are redesignated as U.S. Notes 7 and 8 to subchapter XVII of chapter 98, respectively.

(2) U.S. Notes 4 and 12 to subchapter II of chapter 99 are hereby repealed.

(3) Section 421(b) of the Trade Act of 1974 (19 U.S.C. 2451(b)) is amended by striking ''this subtitle'' each place it appears and inserting ''this chapter''.

(4) Section 423 of the Trade Act of 1974 (19 U.S.C. 2451b) is amended in subsections (a) and (c) by striking ''this subtitle'' and inserting ''this chapter''.

(5) Section 422(j) of the Trade Act of 1974 (19 U.S.C. 2451a(j)) is amended by striking ''(1)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

I rise to support H.R. 1047, the Miscellaneous Trade and Technical Corrections Act, which is a compendium of trade provisions drawn largely from legislation introduced by individual Members. This bill has more than 350 such provisions and enjoys broad bipartisan support. The bill contains provisions involving the temporary suspension of duties on narrowly defined products, miscellaneous trade-related items, and technical corrections to the Trade and Development Act of 2000. The House passed substantially the same bill, but unfortunately no other action was taken. In essence, we have taken last year's bill, made technical changes, and added or dropped a few of the duty suspension provisions, all of which are known by the sponsoring Members and their staffs.

The most significant change has been removing the provision related to ''Turkey Qualified Industrial Zones.'' I recall this provision received favorable comments from both sides of the aisle when the bill came to the floor last year. There is still strong support from Members for the provision. We are dropping the provision for the time being, but can consider it or a variant of the provision at some future time if appropriate.

There are several miscellaneous trade provisions in this bill that are noteworthy. The bill would make technical and clarifying corrections to provide benefits for Caribbean and sub-Saharan African countries. The preferential trade benefits for these countries would support U.S. trade policy to improve trade networks and opportunities for American firms while helping key American allies in the fight against terrorism and illegal drug traffic.

Finally, the bill would provide national trade-relation status to Serbia

and Montenegro, which was revoked in 1992. The provisions included in this bill are noncontroversial, but that does not mean they are unimportant. Most of the products in the duty suspension provisions are those that American firms use as supplies or components of the products they manufacture. The purpose of this bill is to eliminate the burden that American firms have when buying these products so they can in turn lower their cost of production and thereby the cost to the consumer. In many instances these provisions will give our companies and their employees a fighting chance to compete.

This bill traditionally follows the same rules every Congress. The provisions have been thoroughly vetted and have no opposition. Both the Department of Commerce and International Trade Commission investigated the bills and contacted domestic industries. With the exception of a few of the miscellaneous provisions that have wide applicability, each provision has a de minimis cost under $500,000. Lastly, the administration confirms that all of the bills can be administered.

I strongly urge my colleagues to support this bill and to provide this assistance to American companies.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I shall consume.

I rise in support of this bill. It is substantially the same as we considered and passed last October. We passed it by a voice vote on suspension, and it reflects the basically noncontroversial nature of the legislation, and I believe we will have the same result today.

As mentioned, there are ground rules for bringing up this legislation agreed to by both parties. They are noncontroversial, and they carry a minimal cost. But because the cost is minimal does not mean these are unimportant items. They are basically technical and miscellaneous and, therefore, the name of the bill. But at times technical and miscellaneous changes can have a real impact on U.S. businesses, on workers, on farmers, and consumers.

This bill is of that nature. It suspends or reduces import duties on numerous items for which there are no American competitors, and it does correct instances where Customs has overcharged for import duties. The provisions that relate to import duties often concern items, as mentioned, that are inputs for domestic manufacturers and for their workers; and so therefore they benefit from these provisions. So as to most of them, these are items that should help us as we compete in this globalizing economy. Also included, and I am glad they are, provisions that relate to San Antonio Airport and some technical corrections that will strengthen both CBI and the AGOA programs.

There also is in here a provision about which a number of us have a very strong concern regarding the reverse Customs program at the northern border. Some of us have been working hard to bring about a reverse Customs structure. It was included in the recently passed appropriations bill. The Committee on Ways and Means reviewed this and wants to replace what was passed with the language that is in this bill, and I have been assured that this change does not in any way affect the substance of what was included in the appropriation package, and it will not impede in any way the important implementation of the reverse Customs program. I cannot emphasize strongly enough the significance of that experiment. So, therefore, I support the provision in the bill.

We are moving forward today; and as I understand it, there are other important technical corrections that will still have to be made in the future. Let me say just a word about one provision that is not included, and that is the provision that was requested by the distinguished gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN). She is going to say a few words about this after I finish. The gentleman from New York (Mr. RANGEL), our distinguished leader, also has a strong view about that.

Let me say a word also about a provision that I think will come up at a later date regarding permanent normal trade relations as to Moldova and Armenia. Recognizing that both countries have acceded to the WTO, we will be working on this in the future. The Turkey Qualified Industrial Zone provision is not in this bill. Let me say just a word about this. We have discussed it before. It is likely at some later date that we will see some legislation regarding QIZs as it relates to Turkey, and I think we should proceed with it; but I want to again reiterate to the administration the importance of a broadened provision relating to the QIZ and Turkey. The QIZ provides benefits that in some ways are deeper and broader than those in the GSP program; and it effectively replaces the GSP program. However, unlike GSP, the QIZ statute does not include any conditionality, whether it relates to the protection of U.S. investors or respect for core labor standards or protection of intellectual property rights; and, again, I would hope that the administration would commit itself to working on including these criteria.

The gentleman from Maryland (Mr. CARDIN) is going to speak about Yugoslavia, Serbia, and Montenegro. He has worked very hard on this. I applaud his efforts, and I am glad that we have worked this out.

So we should proceed today with this bill. It has been tailored according to the basic rules regarding miscellaneous tariff bills, and I would hope that we can pass it as we did last time.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. RANGEL), our distinguished ranking leader.

Mr. RANGEL. Mr. Speaker, I would like to use my time to talk a little bit with the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade.

First I want to thank the gentleman for including the technical corrections raising the personal duty exemption for travelers returning from the Caribbean basin region to $800 so that the Caribbean basin region is not at a disadvantage with the rest of the world. But I want to further inquire whether the chairman would continue to consider making a similar correction for the U.S. insular possession including the United States Virgin Islands so that we can preserve the historic balance in personal duty exemptions. Doing so will ensure that we do not damage the Virgin Islands or other of the U.S. insular possession economies which have so heavily depended on tourism. I appreciate the spirit in which the chairman has always looked at these technical corrections, and I ask him to consider making the correction as it relates to our citizens in this area.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, I commend the gentleman for making the request, and I can assure him that we will study and consider the faction policy related to the gentlewoman's request and that in conference we have an opportunity potentially to go down that path.

Mr. RANGEL. Mr. Speaker, I want to thank the gentleman for this and past considerations.

□ 1200

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I rise today in support of the Miscellaneous Trade and Technical Corrections Act of 2003 which we are debating right now. The goal of the legislation is to make U.S. manufacturers, our American companies, more competitive, and strengthen the jobs of the workers that they employ. We do this by reducing or eliminating some of the import duties on materials and products used in production of goods and services here in America.

I am especially pleased that the bill contains legislation that I have authored in the past to change duty drawback and other trade laws in order to make the way they work less complicated and much easier to administer, both by the businesses here in the country and by our U.S. Customs Service. The goal of that and I think the result of that is that we will ease some of the regulatory burdens and some of the paperwork burdens imposed currently on U.S. companies.

The way duty drawback works is that if you are an American company and

you bring a product in from overseas in order to manufacture and then sell it back outside the country, if you bring it into the country, we charge you a duty, say, of $10 on this widget.

When you manufacture it yourself, a similar product, or put it into yours and sell it back outside the country, you get a refund on that duty, so that you are competitive and your products do not cost too much more, or you are at least competitive with foreign companies when you are selling product outside this Nation.

Drawback levels the playing fields, allows U.S. companies to remain competitive, strengthens jobs and overall helps us compete in a world where competition is very fierce.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from the Virgin Islands (Mrs. Christensen), who is going to follow up on the colloquy between the gentleman from New York (Mr. RANGEL) and the gentleman from Illinois (Mr. CRANE).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the ranking member from Michigan for yielding me time.

Mr. Speaker, I rise today to raise concerns of the government of the U.S. Virgin Islands regarding provisions in the technical corrections bill relating to the amount of personal duty exemption for U.S. travelers returning from abroad. The technical correction in the pending bill fails to reflect long-standing Congressional policy to afford a two to one advantage to the U.S. insular possessions in the amount of this exemption.

Tourism is the most important economic sector and is indeed the linchpin of our economy. A critical part of the U.S. tourism base economy in the Virgin Islands is our main street economy, the merchants who sell a wide range of goods to returning U.S. tourists and cruise ship passengers.

A key consideration in travel to the U.S. Virgin Islands as well as in the purchase decisions by U.S. tourists is the amount of personal duty exemption for returning U.S. travelers. Differences in the amount of the personal duty exemption particularly affect the decisions of Caribbean cruise ship passengers who enjoy shopping in a number of different jurisdictions.

For many years it has been consistent U.S. policy to encourage U.S. tourists to make purchases in the U.S. Virgin Islands and other insular possessions by providing a higher duty exemption for insular possession purchases as compared with purchases in other travel destinations. Historically, the insular possessions have enjoyed at least a two to one advantage over these jurisdictions.

In 2002, Congress increased the duty exemption for travelers returning from non-Caribbean jurisdictions from $400 to $800 dollars. However, the duty exemptions for purchases made in the CBI countries and the U.S. insular possessions were not changed, but were kept at $600 and $1,200 respectively.

In a partial effort to correct this, a technical correction provision in the pending bill would increase the duty exemption for CBI purchases to $800. However, the bill makes no change in the duty exemption for insular possession purchases.

This legislation would results in a significant change to long standing U.S. policy. It would abandoned the two to one advantage that Congress has traditionally provided to the insular possessions and would seriously harm our economy and the livelihood of many of our citizens.

For these reasons, the government of the Virgin Islands urges that the duty exemption for purchases in the insular possessions be revised to reflect the long-standing policy and be increased to $1,600.

I want to take this opportunity to thank the ranking member, the gentleman from New York (Mr. RANGEL) and both the Chair and the ranking member of the subcommittee for their support. I have also discussed these concerns with the chairman of the committee, and I hope that they will be addressed in the anticipated conference on this important legislation.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. CARDIN), a very distinguished member of the Committee on Ways and Means.

(Mr. CARDIN asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. CARDIN. Mr. Speaker, I rise to bring attention to this body of one provision that is in this bill that deals with extending normal trade relations to Serbia and Montenegro. When this issue was before the Committee on Ways and Means, I offered an amendment that was adopted by the committee that placed conditionality on the normal trade relations based upon cooperation by Serbia and Montenegro with the International Criminal Tribunal for the former Yugoslovia.

Mr. Speaker, it is important to move forward in our relations with Serbia, but it is also important to remember the past. There were war crimes committed in the former Yugoslovia where individuals were murdered, mass murders, dislocation of people, solely because of their ethnic background. There are individuals who is have been indicted by the war crimes tribunal that have not been turned over to the Hague. General Mladic and Karadzic were involved in mass murders of innocent people, they were lined up and murdered, and yet they still remain free, even though they are indicted. We needful cooperation with the tribunal, including the turning over of documents and the availability of witnesses.

Mr. Speaker, I am pleased that we were able to reach an understanding where the conditionality on this legislation could be removed by additional commitments made by the government of Serbia-Montenegro.

I will make part of the record a letter that I have received. I would like to quote very quickly part of that letter, where the Foreign Minister says, ''I would like to assure you that there is a strong and clear political will of the authorities in Serbia and Montenegro to cooperate with International Criminal Tribunal. Obviously, the most pressing concern is the issue of the arrest and transfer to the Hague of the indicted individuals, in particular General Mladic and those indicted for the crimes at Vukovar. You may rest assure that the resolution of this issue figures high on the agenda of all office holders in Serbia and Montenegro. Furthermore, the institutions of the state union of Serbia and Montenegro, which will be formed in the coming days, will have the opportunity to further contribute to perfecting the cooperation of the ICTY in this regard.''

Mr. Speaker, I would also bring to your attention a letter I received from Secretary of State Powell, where he points out that the FY 2003 Foreign Operations Appropriations Act once again conditions U.S. assistance to the Republic of Serbia. These conditions have been useful in maintaining pressure on Belgrade to comply with its obligations to the ICTU. I can assure you that the Department of State will continue to use every available tool to achieve cooperation with the International Criminal Tribunal by the governments of Serbia and Montenegro.

Mr. Speaker, I want to thank the gentleman from New Jersey (Chairman SMITH) of the Helsinki Commission, the gentleman from Maryland (Mr. HOYER), who has been extremely helpful in this issue, the gentlewoman from New York (Mrs. LOWEY) from the Committee on Appropriations, the staff at the Helsinki committee, the Coalition for International Justice, and Ambassador Prosper, who is our Ambassador at Large for War Crimes, for their cooperation in order to be able to work out further cooperation with the tribunal.

I also want to thank the gentleman from Illinois (Mr. CRANE) and the gentleman from Michigan (Mr. LEVIN) for their patience. I know that we have been working on this for a long time, and I appreciate very much giving us the opportunity to work this out.

Congress has played a critical role on advancing human rights, whether it was Jackson-Vanik or the conditionality of foreign aid to governments to make sure that they comply with human rights issues. We have played an active role. We need to continue to play that role. I am proud of the role that this body has played in advancing human rights issues, including compliance with the International Criminal Tribunal.

Mr. Speaker, I include for the record the letter from the Minister for Foreign Affairs of Serbia and Montenegro.

SERBIA AND MONTENEGRO,
MINISTER FOR FOREIGN AFFAIRS.

Hon. BENJAMIN L. CARDIN,
House of Representatives,
Washington, DC.

DEAR MR. CARDIN: I appreciate very much your continuing interest in the issues related to Serbia and Montenegro and its relations with the United States. I still remember fondly our last telephone conversation in which we had the opportunity to discuss these matters.

At the moment, one of the most pressing issues in this regard remains extending Normal Trade Relations Treatment (NTR) to Serbia and Montenegro, which is part of the Miscellaneous Trade and Technical Corrections Act 2003. Extending NTR treatment would provide substantial support to continuing economic reforms in my country which, in turn, would help the consolidation of our democracy.

I am fully aware of your genuine and well-intentioned concerns with regard to the cooperation of Serbia and Montenegro with the International Criminal Tribunal for the former Yugoslavia (ICTY). I would like to assure you that there is strong and clear political will of the authorities in Serbia and Montenegro to cooperate with the ICTY.

Obviously, the most pressing concern is the issue of arrest and transfer to the Hague of the indicted individuals, in particular Gen. Mladic and those indicted for the crimes in Vukovar. You may rest assured that the resolution of this issue figures high on the agenda of all office holders in Serbia and Montenegro. Furthermore, the institutions of the state union of Serbia and Montenegro, which will be formed in the coming days, will have the opportunity to further contribute to perfecting the cooperation with the ICTY in this regard.

At the same time, it should be noted that there has been a substantial progress in other aspects of our cooperation with the ICTY, i.e., in providing documents and access to witnesses. Serbia and Montenegro has provided effective assistance to the ICTY in relation to locating, interviewing and testimony of witnesses. In this respect, we have so far fully responded to almost 90% of the requests for assistance. In particular, we have provided waivers for more than 100 officials of the former government to testify about classified matters before the ICTY. These include top officials such as two former presidents of the FRY, heads of military and police security services, as well as many high-ranking military and police officers.

As regards the documents requested by the ICTY, we have presented thousands of pages of documentation, including confidential records of the Supreme Defence Council, which is the commander-in-chief of the Yugoslav Army. I would like to assure you that we are determined to cooperate even more effectively with the ICTY in relation to documents and witnesses, and most notably, with regard to the transfer of indictees. Further promotion of democracy and economic prosperity of my country would only create a more favorable climate for such cooperation. In this regard, extending NTR treatment would be a welcome signal that Serbia and Montenegro have the support of the United States and would bring tangible benefits to our economy and people.

I am confident that you will take this information into account while assessing the level of cooperation with the ICTY, and as a result support the initiative to extend NTR treatment to Serbia and Montenegro.

Sincerely,

GORAN SVILANOVIC.

NON-PAPER

Serbia and Montenegro believes that all individuals responsible for international crimes should be brought to justice, either before international courts, such as the ICTY, or before national courts. In particular, as a UN Member, Serbia and Montenegro recognizes its obligation to cooperate with the JCTY. Consequently, the FRY has adopted the Law on Co-operation with the ICTY on 11 April 2002, which regulates the legal framework for cooperation.

Fifteen indictees who were on the territory of the FRY were brought into the custody of the ICTY. The Federal Republic of Yugoslavia arrested and surrended 6 indictees, including Slobodan Milosevic, former president of the FRY and Serbia. The others are Milomir Stakic, former Chief of the Crisis Staff of Prijedor Municipality, Republika Sprska (RS), and four combatants of the RS Army: Drazen Erdemovic, Predrag Banovic, Nenad Benovic i Ranko Cesic.

At the same time, 10 indictees have been encouraged to voluntarily surrender to the ICTY and they eventually did so. These are:

1. Dragoljub Ojdanic, General, former Chief of the General Staff of the Yugoslav Army and former Federal Minister of Defence.
2. Nikola Sainovic, former Deputy-Prime Minister of the FRY.
3. Mile Mrksjc, Major-General, Yugoslav Army.
4. Pavle Strugar, Lieutenant-General, Yugoslav Army.
5. Miodrag Jokic, Vice-Admiral, Yugoslav Army.
6. Milan Martic, former Serb leader in Croatia.
7. Blagoie Simic, Head of the Bosanski Samac, RS, Crisis Staff.
8. Momcilo Gruban, Deputy Commander of the Omarska camp, RS.
9. Milan Milutinovic, former President of the Republic of Serbia.
10. Vojislav Seselj, leader of the Serbian Radical Party.

National courts have issued arrest warrants for additional 17 accused whose arrest has been sought by the ICTY. One indictee (Vlajko Stojiljkovic, former Minister of Internal Affairs of Serbia committed suicide.

Serbia and Montenegro has provided effective assistance to the Prosecutor and the ICTY with relation to locating, interviewing and testifying of suspects and witnesses. In that respect, Serbia and Montenegro has, so far, answered to 76 different requests and provided information for as many as 150 suspects and witnesses. Out of 126 witnesses for whom the waivers were requested, Serbia and Montenegro has granted 108 (86%), while others are in procedure.

In the Milosevic case, the FRY and Serbia government decided to allow more than 87 of the former and current state officials and employees to testify with relation to the Kosovo indictment, even about the matters that constitute military and state secrets.

Zoran Lilic, the former President of the FRY, has been given waiver to testify in the Milosevic case on the matters defined after consultations between the Prosecutor and the FRY and related to the events covered by the Croatia, Bosnia and Kosovo indictments.

Dobrica Cosic, former President of the FRY, as well as Nebojsa Pavkovic, former Chief of the General staff of the Yugoslav Army have also been given waiver to testify in the Milosevic case and related to the events covered by the Croatia, Bosnia and Kosovo indictments.

Regarding documents that have been sought by the ICTY Prosecutor (127), the FRY has answered, so far, to 65 requests, to 9 partially and 53 are currently processed. The documents transmitted to the Prosecution include:

Confidential military documents of the Supreme Defense Council, the Commander-in-chief of the Yugoslav Army;

Certain confidential regulations of the Yugoslav Army;

All available official records related to the Racak massacre, in relation to the Kosovo indictment against Milosevic;

All available personal information about Ratko Mladic, the former Commander of the Army;

Of Republika Srpska;

Information on all investigations and judicial proceedings initiated against members of the Serbian Ministry of Internal Affairs for crimes committed in Kosovo and Metohija;

Official records of the Yugoslav National Bank relating to a company allegedly involved in trading arms during the conflict in Bosnia and Herzegovina;

The authorities of Serbia and Montenegro have continued to investigate mass graves near Batajnica. This is done in the presence of the ICTY investigators on site, and the evidence obtained is regularly transferred to the ICTY Prosecutor.

There have been investigations and judicial proceedings before Yugoslav courts for violations of international humanitarian law:

There is a number of criminal proceedings before military courts against individuals indicted for crimes in Kosovo and Metohija in 1999. The judicial proceeding against Sasa Cvjetan and Dejan Demirovit, members of the special corps ''Scorpions'', have also been initiated before the Court in Belgrade, for the crimes committed in Kosovo. In the District court in Prokuplje, Serbia, Ivan Nikolic, a reserve soldier with the Yugoslav Army, was sentenced to 8 years of imprisonment for the killing of two Kosovo-Albanian civilians.

Criminal proceeding before the Belgrade District Court are currently under way for the abduction of Bosniacs from the village of Sjeverin in 1992 (Case of Dragoljub Dragicevic and others).

In another case, Nebojsa Ranisavljevic was convicted to 15 years of imprisonment for his role in the notorious case of abduction of Muslim passengers from the train in Supci station in 1993.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), another distinguished Member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this Administration has refused to account to the American people for the probable cost in both blood and money of a massive land invasion of Iraq. One of the most bizarre aspects of events in recent weeks has been the bazaar that has been going on in Turkey, where the Administration has sought to buy a ''coalition of the willing.'' This bill appears to be a part of that effort.

The Turkish provision, which I questioned last year in committee because the same treatment was not being accorded to Armenia, has, according to the chairman, been dropped from this bill. Apparently, action on trade with Turkey has little to do with what is good trade policy, but everything to do with what constitutes good policy to create a ''coalition of the billing.''

When Turkey was to be a member of that coalition, it was in the trade bill. Now that its parliament has voted to deny the use of its land for an invasion

of Iraq, when over 90 percent of the people of Turkey oppose that invasion, the provision has been unceremoniously stripped from the bill.

Indeed, more and more Americans watching this, and perhaps it is not a very good play on words, are asking, ''How much gravy does Turkey really need?'' The trade benefits that were in this bill are in addition to what is apparently $15 billion to $30 billion of American tax dollars that will be given to the Turks.

Surely if we had $15 billion to $30 billion we could apply it to strengthen our veterans' health care system. Could we not take some of that $15 billion to $30 billion and use it for the $9 billion on which the President broke his word when he said he would provide full funding for the ''Left No Child Behind Act'' and now says we lack enough money to fund?

I think when President Kennedy talked about ''paying any price in the defense of liberty'' in his inaugural address, he did not have in mind this bill and the bidding at the bazaar in Turkey, and in other countries, has been about.

It seems to me that the ''shuttle diplomacy'' in which the first President Bush worked so effectively to build an international coalition against Iraq (even though he stopped short) in the first Gulf war seems to have been replaced with ''checkbook diplomacy'' and bills like this.

If only the American people could learn how much of our taxpayer dollars are being diverted from education and veterans' health care and other needs within the United States to give it to the Turks and the other people who vote on the U.N. Security Council. I wish we knew those totals. We cannot find out the cost of the war in either blood or money. We cannot even find out the cost of the bribes that are being paid to get a coalition to join us.

So, I will vote for this bill, but I think the Turkish provision ought to be considered on its merits, rather than unceremoniously dropped for reasons that have nothing to do with good trade policy.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise today in support of the Miscellaneous Trade and Technical Corrections Act of 2003. I am particularly pleased about the inclusion of a provision which will help make the United States-Canada border significantly more secure.

In the aftermath of the attacks on our Nation, the level of security concerns along its 5,000 mile northern border have taken on an added urgency. Reverse inspections will safeguard international bridges and tunnels along the border. This process will ensure that potentially dangerous vehicles are inspected before crossing those bridges and tunnels.

Inspecting vehicles for dangerous contents such as bombs and explosives after they enter our tunnels or begin to cross our bridges is inadequate. The reverse customs provision in this legislation aims to enact a principle of the U.S.-Canada Smart Border Declaration negotiated by then Homeland Security Director Tom Ridge and Canada's Minister of Foreign Affairs John Manley last year. In this Declaration, both countries agreed to create a new secure and smart border based on an action plan that includes a host of new security measures.

I agree with the principles of the U.S.-Canada Smart Border Declaration, and I believe that the inclusion of the reverse inspections component in this bill will greatly lower the risk of future attacks on our bridges and tunnels. Bridges and tunnels, particularly for Michigan, a border state, are vital to facilitating tourism and trade, two critical factors for Michigan's economy.

□ 1215

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have spelled out the reasons for the passage of this bill. I urge that we vote for it.

Mr. Speaker, I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to wrap up with a couple of comments about the comfort of advancing a trade piece of legislation like this in the Congress of the United States, where we enjoy good bipartisan support.

I want to commend my colleagues on the other side of the aisle who were the ones that were touting to Republicans the importance of free trade. It took almost a century for our party to yield to the very persuasive arguments advanced by free traders on the Democratic side, and after World War II we basically became free traders, too.

I know we have divisions in our ranks on both sides of the aisle; but I know, too, that trade is one of the most important issues facing not only this country but the entire world. I have made the comment in the past, and it bears repeating, that trade has done more to advance civilized values worldwide than anything else in the span of recorded history; so I commend my colleagues on a bipartisan basis.

Mr. Speaker, I ask for an ''aye'' vote on this very important piece of legislation.

Ms. MCCARTHY of Missouri. Mr. Speaker, today I rise in strong support of H.R. 1047, the Miscellaneous Trade & Technical Corrections Act. This bill contains a variety of provisions that temporarily suspend or reduce duties for certain imported products that are not produced domestically, streamline current customs laws, and make technical corrections to trade laws.

The bill suspends the duty of several products which are not produced domestically. Most of the time, tariffs are in place to protect domestic industries from foreign competitors, which can often undercut prices because of cheap labor or lax environmental standards. This bill rightfully suspends and/or reduces the tariffs on imported ingredients to domestically produced products. The reduction of 12 tariffs relating to ingredients of pesticides produced by the Bayer Corporation in Kansas City, maintain jobs in my district.

In addition, H.R. 1047 gives the President the authority to restore Normal Trade Relations to the former Yugoslavian Republics of Serbia and Montenegro when they are confirmed to cooperate with the International War Crimes Tribunal and the Dayton Peace Accords. Following Serb aggression in Bosnia and Croatia, NTR was withdrawn in 1992. I look forward to a day when Serbia and Montenegro can again become normal trading partners to the benefit of all countries.

H.R. 1047 authorizes the Customs Service to work with Canada to increase security at vulnerable U.S. cross border bridges and tunnels by allowing U.S. Customs officials to be stationed on the Canadian side of the border to inspect vehicles. This preemptive approach will help stop smugglers before they enter our country.

The bill makes several corrections to the Sub-Saharan Africa Free Trade Act of 2002. It clarifies that duty free treatment should be granted to apparel created from U.S. and regional components but formed in sub-Saharan African countries. This will provide a much needed boost to the economies of these nations.

I commend the Chairman and Ranking Member of the Ways and Means Committee for their bipartisan approach to this bill. I urge my colleagues to join me in supporting H.R. 1047 to ease unnecessary Customs restrictions and improve the ability of domestic companies to produce goods for all of the world to enjoy.

Mr. BLUMENAUER. Mr. Speaker, H.R. 1047, debated and passed today, includes language that allows two streetcars manufactured in the Czech Republic to enter the United States duty free. These streetcars are additional to the recently opened and highly successful Portland, Oregon streetcar line. I would like to take this opportunity to thank the Ways and Means Committee Members and staff for working with me to solve a problem that would have led to unnecessary tariffs on these two streetcars.

As Congress prepares this year to reauthorize the surface transportation act, TEA–21, we will need to continue to craft innovative solutions to help the hundreds of communities nationwide that are working to address transportation needs and options. Portland's success in creating new streetcar service to connect and revitalize its neighborhoods is a model being sought by dozens of other communities. Creating a trade import model that helps communities explore such transportation alternatives will greatly improve the livability of our cities.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 1047.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CRANE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of H.R. 1047, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMENDING MEMBERS OF UNITED STATES ARMED FORCES AND THEIR FAMILIES FOR SELFLESS SERVICE DURING GLOBAL WAR ON TERRORISM

Mr. HUNTER. Mr. Speaker, pursuant to the order of the House of Tuesday, March 4, 2003, I call up the joint resolution (H.J. Res. 27) recognizing and commending the continuing dedication, selfless service, and commitment of members of the Armed Forces and their families during the Global War on Terrorism and in defense of the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 27 is as follows:

H.J. RES. 27

Whereas the Global War on Terrorism began in response to the unprovoked terrorist attack on the United States homeland on September 11, 2001, which resulted in the deaths of thousands of United States citizens;

Whereas Al Qaeda, which attacked the United States on September 11, 2001, remains a threat to the national security of the United States;

Whereas the members of the Armed Forces of the United States, a total force comprised of active, National Guard, and Reserve personnel, have undertaken more than 17 months of courageous and successful operations against terrorism, not only in Afghanistan, but also worldwide;

Whereas since September 11, 2001, members of the United States Armed Forces have promoted homeland security throughout the United States by performing various missions, including providing security at the Nation's airports, protecting the public at special events, and patrolling the Nation's skies with combat air patrols;

Whereas members of the Armed Forces are helping around the world to train the militaries of other nations in counter-terrorism operations;

Whereas these post-September 11, 2001, missions have been in addition to other regular military missions and have been performed without any permanent increase in the size of the Armed Forces;

Whereas more than 65 American servicemembers have died defending the Nation in the Global War on Terrorism and more than 210 have been wounded or injured;

Whereas nearly 225,000 members of the National Guard and Reserve components have been mobilized for active duty since the start of the Global War on Terrorism, of whom more than 166,000 remain on active duty, with thousands facing a second year of active duty away from families and civilian employment;

Whereas more than 200,000 active-duty personnel have already been deployed to the Persian Gulf theater and thousands of Reservists and National Guard members have been alerted for mobilization or are deploying for a possible war with Iraq;

Whereas many employers in the Nation find their employees called to active duty in the National Guard and Reserve, and are themselves called upon in the spirit of patriotism to maintain job security for those mobilized personnel and their families;

Whereas the ability of members of the Armed Forces to perform their missions requires the support and sacrifice of their families and the commitment to go wherever the Nation needs them;

Whereas the Nation is engaged in an unprecedented global conflict that presents many new and dangerous challenges to the members of the Armed Forces; and

Whereas this global conflict will require the Nation's unflinching resolve and commitment to provide the Nation's soldiers, sailors, airmen, and marines with the necessary resources required for victory: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) commends, and expresses the gratitude of the Nation to, all members of the United States Armed Forces (whether on active duty, in the National Guard, or in the Reserves) who are fighting the Global War on Terrorism;

(2) commends, and expresses the gratitude of the Nation to, the employers who in the spirit of patriotism maintain the job security of their mobilized National Guard and Reserve employees;

(3) commends, and expresses the gratitude of the Nation to, the families of those servicemembers who have borne the burden of separation from their loved ones and who have staunchly supported them during the conduct of the Global War on Terrorism;

(4) expresses its condolences to the families of the brave American servicemembers who have lost their lives defending the Nation in the Global War on Terrorism; and

(5) reaffirms that it stands united with the President in the ongoing effort to defeat global terrorism.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, March 4, 2003, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since the start of the global war on terrorism, a saga has unfolded marked by the dedication, selfless service, and commitment of the members of the Armed Forces and their families. Now, on the eve of a potential war with Iraq, the Nation is about to ask our Armed Forces and their families for additional sacrifices.

For these reasons, my great colleague, the gentleman from Missouri (Mr. SKELTON), and I thought it was only fitting that we offer this joint resolution to send a message to our Armed Forces of our support and appreciation for their magnificent efforts.

Mr. Speaker, the U.S. Armed Forces, a total force of active National Guard and Reserve volunteers, have conducted more than 17 months of courageous and successful operations against terrorism, not only in Afghanistan, but also worldwide. Beyond that, they have secured the U.S. homeland by performing various missions, including patrolling the Nation's airports, protecting the public at special events, and flying combat air patrols in the Nation's skies.

Today, more than 200,000 active duty personnel are already deployed to the Persian Gulf, and thousands of Reservists and National Guard members are on alert for mobilization or are deploying for a possible war with Iraq.

All these missions are in addition to other regular military requirements and have significantly increased the pace of operations and the stress on our forces. There have been no permanent increases in the size of the Armed Forces to meet these new requirements. Instead, our military forces are being required to work longer, harder, and smarter.

One enduring mark of the sacrifices being made in this war on terrorism by our men and women in uniform is that 67 American servicemembers have died defending the Nation, and 212 have been wounded or injured.

Untold sacrifices are being asked of the nearly 225,000 members of the National Guard and Reserve who have been mobilized for active duty since the start of the global war on terrorism. More than 174,000 of them remain on active duty, with thousands facing a second year of active duty away from their families and civilian employment.

America is able to make a substantial commitment of its citizen soldiers to this war because many of the Nation's employers, in the spirit of patriotism, are maintaining job security for those mobilized personnel and their families. Whether the members of the Armed Forces are active, Guard, or Reserve, their ability to perform their missions requires the continuing support and sacrifice of their families.

Mr. Speaker, the Nation is engaged in a global conflict that presents many

new and dangerous challenges to the members of the Armed Forces. It is a conflict that will require the Nation's unflinching resolve and commitment to provide the Nation's soldiers, sailors, airmen, and Marines with the necessary resources required for victory.

In that context, this joint resolution commends and expresses the gratitude of our Nation to all members of the United States Armed Forces, whether on active duty, in the National Guard, or in the Reserves, who are fighting the global war on terrorism; also, Mr. Speaker, to the employers who maintain the job security of their mobilized National Guard and Reserve employees; and also, importantly, to the families of those servicemembers who have borne the burden of separation from their loved ones and who have staunchly supported them during this war.

The joint resolution also expresses our condolences to the families of the brave American servicemembers who have lost their lives defending our Nation in the global war on terrorism, and it reaffirms that the Congress stands united with the President in this ongoing effort to defeat terrorism.

Mr. Speaker, I strongly urge my colleagues to support this joint resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join the chairman of the Committee on Armed Services, my friend, my colleague, the gentleman from California (Mr. HUNTER), in support of House Joint Resolution 27. This bill recognizes and commends the dedication, the selfless service, and the commitment of our Armed Forces and their families, and especially those involved with the global war on terrorism.

Our Nation is at war with terrorists who would destroy our freedoms and liberties that are the foundation of America. Those who serve on the front lines of this war on terrorism are our men and women in uniform. When our Nation calls, it is her service men and women who volunteer to be the point of the spear, protecting the Nation's interests both here in America and abroad.

Afghanistan, Bosnia, Kosovo, the Philippines, Yemen, Georgia, these are just several of the regions in which our Armed Forces are serving today. They are in over 200 countries around the world protecting the peace and training militaries in counterterrorism operations, and in searching and hunting the al Qaeda terrorists in Afghanistan. These are just a few of the important missions that our soldiers and sailors, our airmen and Marines are called upon to do each day.

The Armed Forces have always been called upon to assist those protecting us here in the homeland. From patrolling the skies above our major cities and guarding important infrastructure and facilities, like bridges and water treatment facilities, to providing assistance to Border Patrol agents, our military is there to defend us.

Many called to service are citizen soldiers, National Guardsmen and Reservists, part-time volunteers who serve when they are called. A growing number of these citizen soldiers have been called to serve on multiple deployments over the past decade. Nearly 85,000 members of the National Guard and Reserve components have been mobilized for active duty since the start of the global war on terrorism. Last Friday, there were over 120,000 Reservists and National Guardsmen who were mobilized, many on their second year of active duty; and the number continues to rise.

As a matter of fact, Mr. Speaker, Company C, the 110th Engineers of the Missouri National Guard from my hometown of Lexington, has been mobilized to guard Whiteman Air Force Base in Missouri.

Our Reserve forces cannot fulfill their service obligations without the support of their families and employers. Employers have provided support in a number of ways, such as continuing to pay the difference between civilian pay and military pay, and providing health care coverage for the families left behind.

The support of these military families, active and Reserves, is also vital to deployed troops. Military families often face months of separation from their loved ones. Stories of a child being born while a parent is deployed and precious moments like birthdays and graduations and holidays being separated from families and friends are quite common. Yet these military families endure such hardships and sacrifices so these servicemembers can continue to proudly serve our Nation.

More than 65 servicemembers have died since the global war on terrorism began, and over 200 have been wounded or injured. These 65 individuals and their families made the ultimate sacrifice for freedom. Our thoughts and our prayers are with them.

While there are no words I can find to adequately express the Nation's appreciation for their sacrifices, our sympathies and our consolation go out to these families. The Nation will not forget the price these servicemembers paid to defend our country and to defend the freedoms that we all enjoy here in the United States of America.

Mr. Speaker, it is fitting that the citizens of America recognize the dedication and commitment of those who serve in the uniformed services and their families, and I thank the gentleman for offering this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I want to thank my colleague for the sense of history and patriotism that he brings to this resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES), the vice-chairman of the Subcommittee on Terrorism and Unconventional Warfare of the Committee on Armed Services.

Mr. HAYES. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I appreciate the strong commitment and constant leadership of the chairman, and his doing everything, along with our friend, the ranking member of the Committee, to provide the resources in problem-solving for our military that they so richly deserve.

Mr. Speaker, it is only fitting and timely that we take time to honor and commend the brave individuals serving in the U.S. Armed Forces. Today, as we go about our normal, everyday business, thousands of troops are currently deployed or are already in locations across the globe to protect and safeguard the freedom and liberty we hold so dear. They are nobly answering the call of duty, separated from their families, friends, and loved ones. While putting themselves in harm's way, they seek to root out the evil that we have seen on September 11, 2001, and other terrorist acts of the past few years. Elimination of terrorism and terrorists is their mission. It is clear that they will succeed.

Mr. Speaker, just yesterday I was at Fort Bragg and Pope Air Force Base in my district in North Carolina. There I saw thousands of Reservists preparing to deploy to undisclosed locations. Even though many of the 18th Airborne Corps, the 82nd, and Special Forces have already deployed, the post was a flurry of activity with mobile food tents, additional and temporary PXes, troops sleeping at night on cots in gymnasiums, and soldiers everywhere.

As these individuals, many of whom are members of the National Guard and Reserve, prepared to deploy, morale was high and they are ready.

□ 1230

I cannot express how proud I am of them and the entire military community in Fayetteville, North Carolina for their service, selfless attitude and sacrifice.

Nearly 225,000 members of the Guard and Reserve have been mobilized. It is important to recognize the support the employers of these folks have provided in this mobilization effort. For example, the Right Gear Bicycle Shop in Concord was a two-man small business until the second of the two men were deployed. This is vitally important because of the contribution that half of the workforce of this important small business provides.

Yesterday, I and my wife, Barbara, also met with spouses to discuss the impact that mobilization has on families. The support these individuals have provided for their loved ones and the hardships that they are enduring are to be recognized and commended. When they have problems this Congress must do all that it can to solve those problems.

Mr. Speaker, the tragic events of September 11, 2001 and prosecuting the

global war on terrorism has thrust our Nation's military into the spotlight and called to duty the brave men and women of the U.S. Armed Forces. U.S. citizens are rallying behind them in strong support of the harrowing mission they have been called on to perform.

While terrorists and dictators seek to weaken the American spirit, their murderous acts instead serve to unite us in a way that has not been seen in decades. The 8th District of North Carolina has long played a key role in our Nation's defense, and I am honored to be able to pay tribute to the brave soldiers, sailors, coasties and Marines in my State and across this wonderful Nation. May God protect them and their families as they fulfill their duty and may He provide them the strength to perform the mission they are called on to do. May God bless and protect our U.S. Armed Forces and the United States of America.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to join my colleagues in commending the service men and women of our Armed Services.

Mr. Speaker, I supported the resolution authorizing the President to use force if necessary to disarm the Iraqi regime. But regardless of Members' views on that resolution, we are united in our support of our troops. All of these brave men and women volunteered for duty and we have a responsibility to recognize the sacrifices that they have made to defend America's security.

My wife, Army Major General Cathy Frost, Commander of the Army Air Force Exchange Service recently visited our troops in Kuwait, Bahrain, UAE and Qatar. She shared with me the commitment of the brave young men and women on the fronts lines and their willingness to do whatever is required of them by our country. And I would also like to add a word of support for the more than 200 civilian employees of the Army Air Force Exchange Service who are operating PXs in that region in support of our service men and women.

We all sincerely hope that war in Iraq can still be avoided. However, this House is united today in sending a clear message to America's allies and adversaries alike: We stand united in support of our troops.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Virginia (Mrs. JO ANN DAVIS) who represents Quantico Marine Base, Dahlgren Air Force Base, Fort Eustis, many other military installations and thousands and thousands of great service personnel.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I thank the chairman for his yeoman's work in supporting our men and women in the military.

Mr. Speaker, I rise today in support of House Joint Resolution 27, a resolution which expresses our support for our service members currently engaged in our global war on terrorism.

Mr. Speaker, today I say thank you to these proud men and women in our Armed Services and to their families who bravely support them back here at home.

Currently we have forces present in Afghanistan, the Philippines, Yemen and many other countries. They lay down their lives for us on a daily basis for our cherished freedoms. At this time we have over 200,000 troops serving in the Gulf region, a force which serves us, a force which protects us, a force which stands ready to implements 18 United Nations' resolutions.

Mr. Speaker, as we approach what I believe will ultimately be the H-hour for our forces, let us bear in mind the sacrifices and service which these young men and women offer our Nation.

Mr. Speaker, I thank the chairman for bringing this measure before us. May God bless our troops and may God bless the United States of America.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, with one voice we unite to thank, bless, and pray for America's sons and daughters in uniform who puts themselves in harm's way for our country. For their sacrifice, for the sacrifice of their families, no mere resolution is sufficient to express our gratitude.

In our democracy, our military is ultimately led by our elected civilian leaders and this division of power is one source of our country's strength and stability. I have no disagreement with our service men and women who obey their duties and carry out their orders. My only disagreement, my very strong disagreement, rests with President Bush over Iraq, not with those who bravely execute his commands. Last month at the Texas Capitol I spoke to 10,000 of our neighbors who joined me in seeking a solution without war.

My previous speech at that spot was to honor our veterans' service in defense of freedom, the very liberty that allows us to express our dissent. Saluting our military is not the same as saluting the civilian decisions that heighten the danger to our soldiers, while diverting the resources needed to protect Americans from genuine threats.

As we praise America's young men and women who do their duty, we in this Congress should dedicate ourselves in doing our own duty—working to bring them all safely home.

And I would add that I salute the gentleman from California (Mr. HUNTER), and the gentleman from Missouri (Mr. SKELTON) because this is the type of bipartisan resolution that rightly brings us together as Americans, instead of dividing us with inflammatory rhetoric and tearing us asunder. I hope we have more resolutions in this spirit in this House.

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK) who is a veteran of the Gulf War and presently a U.S. Naval reservist.

Mr. KIRK. Mr. Speaker, I thank the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON) for bringing this to the floor.

All of us Americans care for our forces but many of us who still wear the uniforms knows the names of the man Americans who are deployed overseas. Six of us here in the Congress still wear the uniform regularly, and just this weekend, I served in the Pentagon.

I have a privilege to represent a congressional district, including Great Lakes Naval Training Center where 90 percent of the men and women in our fleet deployed were trained, and Ft. Sheridan, where key Army aviation and intelligence functions are administered.

We think about the Americans abroad today. Specifically we think about the Americans at CFLIK at Camp Doha, at the 5th Fleet in Manama, Bahrain, at CENTCOM Forward in Qatar, at the ONW headquarters where I served at Incirlik, Turkey, at the OSW headquarters at Prince Sultan Airbase in Saudi Arabia.

We have a special thanks for the 174,000 reservists who have been called up, citizen soldiers, sailors and airmen, serving in Operation Noble Eagle to protect us here at home, Enduring freedom in Afghanistan and around the world, and of course for lack of a better term, Desert Storm II coming up.

But as a Navy guy, I want to give a special note of thanks to the four acres of freedom, wherever America needs and those are our carrier battle groups. I particularly want to thank the crews of the Roosevelt Battle Group, the Nimitz Battle Group, Constellation Battle Group, Truman Battle Group, and Kitty Hawk Battle Group. As we say to the young men and women, we wish you fair wind and following seas and a bravo zulu from the United States Congress.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding me time.

Mr. Speaker, I am so privileged to be able to be present today in this House as we debate H.J. Res. 27. To the Chairman of the Committee on Armed Services and my very dear friend, the gentleman from Missouri (Mr. SKELTON). I thank them for bringing this forward because I am very much reminded of why I have the privilege of standing here, not of my own accord or on behalf of my own devices or talents. It is because I have defenders of freedom across the world.

This is an appropriate resolution that says recognizing and commending the continuing dedication, selfless service and commitment of members of the Armed Forces and their families during the global war on terrorism and in defense of the United States.

I thank the gentleman from California (Mr. HUNTER) who shares with me on the Committee on Homeland Security, recognizing the importance of our Armed Services.

Mr. Speaker, I visited them in Afghanistan, Kosovo, Albania and Cuba. I just visited the 75th Division of the Army Reserves in Houston as they went off to train those who will be deployed. There is no doubt that we stand united. I joined a community in Houston in a pro-America rally. Though we may have disagreed on the question of war in Iraq, we were united on the question of supporting our military troops.

I will be voting enthusiastically on supporting this resolution, and I think all of us are blessed by the fact that we live in a country in which we can pray to our God, we can speak our minds, we can teach our children, and we have the brave men and women, young men and women, our family members and our reservists on the front lines. I thank also the citizens, the civilians who are supporting us as well.

Mr. Speaker, I support H.J. Res. 27 and ask my colleagues to support it.

Mr. HUNTER. Mr. Speaker, in Vietnam, guys on the ground used to refer to the jets overhead as fast movers, and today we always wondered about the comfortable life that they lead. So I was talking to the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Nevada (Mr. GIBBONS) about that very thing recently.

Mr. Speaker, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS) who piloted fast movers, that is, fighter aircraft in both Vietnam and the Gulf War, and who is a veteran of those two conflicts and a great leader in the Committee on Armed Services, and also a guy who represents Nellis Air Force Base and Also the Fallon Naval Air Station.

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding me time. I rise today in strong support of this resolution, and I commend all of our troops at home and abroad for their efforts in the war on terrorism.

For 17 months, the men and women of Armed Forces have fought in Afghanistan, protected our homeland and done everything our Nation has asked them to do. The war on terrorism continues to produce results such as the recent arrest of Khalid Shaikh Mohammed. But yesterday's bombing in the Philippines, which claimed innocent American lives, should remind us that this war is ongoing and unfinished.

Two weeks ago, I had the privilege of meeting three heroes of this ongoing war, and I was honored to introduce them before the Nevada State Legislature.

Captain Andra Kneip, a recipient of two Distinguished Flying Crosses and her husband, Major Scott Kneip, both of them A–10 fighter pilots, exemplify the great people serving our country. I also had the honor of introducing First Lieutenant Thomas J. Cahill and his family. Lieutenant Cahill was awarded one of the Nation's highest awards, the Silver Star, for flying his helicopter into withering fire to save the lives of three United States Army soldiers on the ground. These young men and women have heard their Nation's call and have responded accordingly.

Mr. Speaker, let there be no doubt that if our troops are called again in Iraq, America can expect nothing but the greatest efforts of the greatest military in the world.

There are other heros in the war on terrorism who should also be honored for making the ultimate sacrifice in defending our Nation from terrorism. Brave Nevadans, such as Jason Disney, Jason Bayer and Matthew Commons, along with all the other members of our military who have died defending our Nation, remind us of the treasured gift of freedom that they have bestowed upon all of us.

Mr. Speaker, it is appropriate that we commend our service members on behalf of a grateful Nation. And I know that the American people will continue to pour out their support for all of our troops. As a veteran of the Persian Gulf War, I remember and still appreciate the overwhelming support that was given to our troops and was shown by the American people. The letters, emails and packages sent a very powerful message to my comrades and me that America does care.

America supports the Guardsmen and Reservists who have put on the uniform to fight terror and protect our Nation. America supports the employers who have seen their best employees called into service. America supports the families who have watched their loved ones bravely answer the call to service. Let this resolution say to all our Nation's soldiers, sailors, Marines and airmen, America supports you.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time and for his extraordinary leadership on behalf of the men and women in uniform in his career in Congress. And I commend the gentleman from California (Mr. HUNTER) as well, the chairman of the committee, the two of them, for bringing this resolution to the floor, which I was proud to join my colleague, the gentlewoman from California (Ms. HARMAN) in being an early co-sponsor of.

Mr. Speaker, I had the privilege of going to Whiteman Air Force Base with our distinguished colleague, the gentleman from Missouri (Mr. SKELTON) to say to the men and women in uniform there how proud we are of them, how proud we are of their patriotism, the sacrifice that they are willing to make. And this weekend I joined the gentleman from Ohio (Mr. HOBSON) and the gentleman from Pennsylvania (Mr. MURTHA) to visit our men and women in uniform in the Persian Gulf.

□ 1245

We had the privilege of representing both sides of the aisle to the young men and women there to say how proud again that we were of them and the sacrifice they were making.

All of us take pride in the many relationships we have with the military. My uncle died in the Battle of the Bulge. My family continues to be proud of the Purple Heart he received. Four of my brothers served, three in the active army, one in the reserve. So when we saw these young people there, it was bringing a lot of history to the conversation.

One young woman we met, Captain Jennifer Schulke, was the commander of the Patriot. She oversaw the Patriot missile. She is so talented, so in control of her situation, so smart, so wise, and so brave. We asked her about her life personally, and she told us that her little baby girl was going to be 2 years old on March 27. She, of course, will not be home for her daughter's birthday. Imagine the sacrifice that this young woman is making, not only with her life, possibly, but also being away from her family.

Mr. Speaker, the stories go on and on. The patriotism is endless. Wherever we stand on this war in terms of policy, we are united in our support and admiration for the men and women in uniform, for their courage, for their patriotism, and for the sacrifice they are willing to make for our country.

The Korean War Memorial has engraved on it, ''Freedom is not free.'' No one knows that better than the men and women in uniform.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank my colleague for yielding me this time, and I rise in support of H.J. Res. 27, commending and expressing the gratitude of a grateful Nation to all members of the United States Armed Forces, and particularly the members from the State of Iowa, which has a long history of combat in every single major battle that has taken place since 1846, when Iowa became a State.

Mr. Speaker, Iowa has 16 National Guard bases simply in just the Fifth District of Iowa, and many of those men and women are off now, away from their jobs and family, making their sacrifices and meeting their commitment as they volunteer alongside our full-time members of the Armed Services.

Iowans have suffered greatly over the years in defending our freedom and our

liberty. In particular, the small but mighty town of Red Oak, Iowa, which suffered the highest number of fatalities in combat in World War II on a per capita basis of any community in the United States of America. They were called together one night as a community to receive the announcement as a community that they had lost 20 members of that small community in one single battle in World War II.

That is the level of commitment that Iowa has had from all of its people in supporting our military, and we have strongly supported the members of our Armed Forces. Also, during the Civil War, our percentage of losses as a percentage of the population overall were higher than any other State in the Union.

Mr. Speaker, I wish to point out to the members of this Nation also that our President made a statement the other day in which he said there is only one person that orders our Armed forces into battle, and that is the one who hugs the widows and widowers of those who do not come back home. We also understand that is the same person who hugs the widows and widowers of those lost in the attacks on the World Trade Center, on the Pentagon, and from the crash in Pennsylvania. Mr. Speaker, while only one person orders them into battle, we all pray for their safety and their safe return.

Our Armed forces are a vanguard for freedom, and the sacrifices they give give hope to all people. There is no training and no equipment too good for our Armed Forces, and I stand here in great appreciation to Iowans and Americans who are defending our freedom and our liberty.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. ORTIZ).

(Mr. ORTIZ asked and was given permission to revise and extend his remarks.)

Mr. ORTIZ. Mr. Speaker, I want to thank our chairman, the gentleman from California (Mr. HUNTER) and the ranking member, the gentleman from Missouri (Mr. SKELTON), for bringing this resolution to the floor.

Mr. Speaker, America's greatness is in our form of government. Our strength is the character of our people and our justice is delivered by brave men and women in the uniform of the United States. Since the Nation was attacked on September 11, Americans have bled and died, rescued countrymen, cleaned up the damage, and carried justice to our enemies in al Qaeda and their sponsors in Afghanistan. This resolution tells our men and women in uniform that this Nation is eternally grateful for their service, an important message to the troops in an atmosphere of question about the Iraqi mission.

This war has required sacrifice for many people: Our Armed Forces, including guardsmen, reserves, their families and their employers. Our citizen soldiers have undergone a serious hardship since this began, as many are beginning their second and third deployment. As we express our condolences to the families of great soldiers lost in Afghanistan and around the world, let us remember that all of our soldiers will give to this effort, and some will give their all.

I still hope that the war in Iraq can be averted, but that hope grows dimmer each day. I thank our troops for their bravery and sacrifice. We pray to God to protect our troops and to give us guidance and wisdom to do what is right.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume to, say, to the gentleman who just spoke, the gentleman from Texas (Mr. ORTIZ), that I remember the time when he and I and other members of the committee went down to Honduras when the 82nd Airborne jumped into Honduras to stiffen the spine of the Honduran government, which had seen an invasion of the Sandinistas along their border.

I will never forget, in a national press conference, with lots of cameras, when the gentleman from Texas (Mr. ORTIZ) was asked the question, ''Don't you feel any sympathy with the Sandinistas, based on your ethnicity?'' The gentleman told them very simply that he was an American. And I remember him being in many, many inconvenient and difficult places to ensure that our troops were in good shape.

And let me also say, before I yield to the next speaker, and I know my great friend, the gentleman from Missouri (Mr. SKELTON) and the gentleman from Texas (Mr. ORTIZ) would agree with this strongly, that we are all very grateful to the employers. Part of this resolution is an expression of ''thank you'' and gratitude to all the employers in America, whether they are a six-man machine shop or a large corporation, with the accommodations that they give, that America's employers are giving to our reservists, to these citizen soldiers who drop that tool that they are using or get out from behind the wheel of that truck and put on the uniform of the United States and go off, in some cases, for an extended period of time to defend this Nation.

I can just tell my colleagues that there are lots and lots of examples of companies and small businesses which have bent over backwards to take care of those folks and make sure that that job is preserved for them, and going far beyond what is called for by the law and mandated by the law. So I just want to let them know that we really appreciate what they are doing. And I know the gentleman from Texas would agree with that, because there are lots of great employers in south Texas who have done the same thing. Are there not?

Mr. ORTIZ. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Texas.

Mr. ORTIZ. Mr. Speaker, I do agree with the chairman, and I know at least in my district we have had guardsmen and reservists being activated. They are loyal to that country and they believe in what they are doing.

And let me thank the gentleman from California for his kind words, Mr. Speaker.

Mr. HUNTER. Mr. Speaker, I greatly appreciate everything the gentleman is saying.

Mr. ORTIZ. Mr. Speaker, I thank the gentleman for his leadership. We appreciate that.

Mr. HUNTER. We will keep working.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, as the son of a marine who served during World War II in the First Division at Guadalcanal, and a brother who served in the United States Army, I rise in strong support of H.J. Res. 27, a resolution introduced by Chairman HUNTER, commending the members of the United States Armed Services.

We are all aware that we are well into the second year of operations Enduring Freedom and Noble Eagle. In addition, the United States military is deploying hundreds of thousands of troops to the Persian Gulf region. Finally, we are forward deploying additional units in the western Pacific to deter North Korean aggression. From protecting the homeland, winning the war on terrorism, to making the world safe from madmen like Saddam Hussein, the men and women of the United States Armed Services are serving this Nation well. We can all be very proud of their efforts and their sacrifice and that of their families.

I would like to also recognize the often overlooked role of the National Guard and components of the military. Tens of thousands of reservists and guardsmen from Florida are in Afghanistan and in the Middle East. I am continually impressed by these dedicated men and women who gladly go into harm's way to protect the Nation. Let us hope America recognizes our true heroes; not rock stars, not sports athletes, but the men and women who don the uniform of this great Nation who protect freedom everywhere, wherever they are called.

I want to thank Chairman HUNTER, and of course the ranking member, the gentleman from Missouri (Mr. SKELTON), for their outstanding leadership in military efforts and affairs. We are indeed proud in this House to have such capable and able people who understand what it is like to fight for this Nation; to fight in battle, to fight for freedom.

So, Mr. Speaker, I thank Chairman HUNTER for giving me this opportunity to express my heartfelt thanks and profound gratitude to our service personnel, and especially to the mothers, daughters, sons, and husbands who willingly let them go to do the hardest job imaginable, to leave family and friends and loved ones, to travel overseas to defend the honor of this great land we call home.

Mr. SKELTON. Mr. Speaker, it is my honor to yield 1½ minutes to the gentleman from Georgia (Mr. MARSHALL), who is a member of the Committee on Armed Services and also a veteran, a Ranger, from the Vietnam War.

Mr. MARSHALL. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate his introduction.

I rise today as a veteran myself to thank the men and women who are serving us today overseas. But more so, I rise today for their families. This is a very difficult time for those serving in our Armed Forces, the men and women who are in harm's way, and it is, in another sense, an even more difficult time for their families. Not only is there separation, not only is there an additional workload for the family, but there is also the worry that a loved one in harm's way will be harmed, might not come home, or, if they come home, might be injured in some way.

Mr. Speaker, all of us here in the House would ask that Americans reach out, as we did after 9–11, to the families of those who lost loved ones in that horrible tragedy. Reach out to these families whose loved ones are serving us overseas. They need just a phone call, maybe an invitation to dinner. The employers could provide maybe some flex-time, some time off for a woman to shoulder the additional load that is being placed on her by the absence of her husband. This is the way America should be responding during this time. It is a way all of us can respond, those of us here in the United States who are here today. We can support the loved ones.

While I was in Vietnam, my mother was unable to write me a single letter. She always wrote me. But she could not write me because she was so worried and did not want to think about it. Support for mothers like mine, for wives, for husbands, for daughters, brothers and sisters is something all Americans can give during this time.

Mr. Speaker, I thank those men and women in uniform for their service. I know they are doing their duty. And I also thank all of those who are loved ones here in the United States that are under extraordinary pressure at this time. All Americans should reach out to them.

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER), a Gulf War veteran and former very distinguished subcommittee chairman on the House Committee on Armed Services.

Mr. BUYER. Mr. Speaker, I thank the chairman for yielding me this time, and I come to the floor as the proud son of an army sergeant, and I have a brother who is a colonel on active duty in the United States Army.

Mr. Speaker, I have served our Nation for 22 years, in war and in peace, and I think of my comrades who now find themselves once again on the desert floor. And I think not only about them, but those who also control the sky, who own the sea, who will take control of the beachheads, and also those who will build the theater of operations and those who support them Stateside and in other countries dispersed around the world.

□ 1300

I also come to the floor not only thinking of them, about also about the families that they leave behind, the loved one that keeps the watch fires burning, the children who are anxious for mom or dad to come home.

While we think of them, I want the country to focus on two individuals that are helping set the pace, and that is the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON). These are two individuals that lead the best bipartisan committee in the United States Congress; it is because of their leadership. The work that the gentlemen did after the Gulf War, all those hearings, all of their dedication to try to get the force structure right, to ensure the right munitions, to move from analog to digital, to make sure that the forces are highly mobile and very lethal, and that those munitions go downrange and hit their targets with precision, all that work the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Chairman HUNTER) did will see great dividends.

The world saw some of those dividends with regard to Afghanistan. The leadership of the gentlemen to make sure that those forces and special operations were trained and funded, believe me, it saved lives. So as today we want to pay respect and appreciation to those who find themselves in harm's way and to appreciate the sacrifice of the loved ones, I want to say thank you to the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON), and the staff that work for them, because the things that they have done when nobody was watching is going to save lives not only in Afghanistan, it could be on the Horn of Africa, it could be in the deserts of Iraq once again. I cannot say enough to pay respect to both gentlemen for what they have done.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS), a member of the Committee on Armed Services.

Mrs. DAVIS of California. Mr. Speaker, I rise in support of the resolution that I cosponsor, and I want to thank the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON) for it as well.

Those in military service to our Nation deserve our strong support in a time of such great uncertainty. But I would also add that their families deserve our support.

Mr. Speaker, each of us has said good-bye to a loved one headed to an airport for a business trip. Now imagine if that trip was halfway around the world and involved great risk. Imagine not knowing when they would be home. Today, more than 20,000 of our neighbors are in the Middle East. In San Diego and in communities all across the country, spouses and children will eat dinner tonight with an empty chair at the table. They will watch the news and wonder. When we talk to them, they will appear strong, and they are strong; but they need us.

I recently met with a group of Navy ombudsmen, women serving the families of those in their unit. They told me that their husbands have spent their entire careers preparing for what they face today; but they said the families must also prepare for the uncertainty for what they face, and let me tell Members, they are prepared. As we all wait and wonder, let us remember the important role of military families and reach out to them.

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today as a member of the Committee on Armed Services in strong support of the Hunter-Skelton resolution commending the members of the United States Armed Forces.

Mr. Speaker, the area of Georgia I represent has a long history of involvement with the American military. Thousands of brave men and women from our area have donned the uniform of our Armed Forces to protect and defend the freedoms that we all enjoy. In the current war against terrorism, and other crucial conflicts around the world, the Eleventh Congressional District of Georgia is again providing leading support at home and abroad.

I am proud to represent Fort Benning, which has been training the world's best infantry soldiers since 1918. It is the third largest personnel post, home to 30,000 soldiers, 25,000 family members, and 6,500 civilian employees. Many of these soldiers are presently deployed in the Persian Gulf and other areas around the globe. Thousands more have received training at Fort Benning's Infantry, Ranger and Airborne Training Brigades.

In the northern part of my district, Dobbins Air Reserve Base and Naval Air Station Atlanta also contribute significant support to our current operations. As the home of the 22nd Air Wing, Dobbins has jurisdiction over thousands of activated Air Force reserves who put their personal and professional lives on hold in our Armed Forces.

Mr. Speaker, I am enormously proud of the men and women in the American military. They are in my prayers every day. I recognize the immense sacrifices that they and their families make in order to protect us, as well as the commitment they demonstrate by serving our Nation. Congress has no greater duty than to match this commitment with appropriate funding for their training, their equipment and benefits

for their families. I urge my colleagues to support our brave servicemembers, not only today through this resolution, but every day they are in Congress.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. ISRAEL), a member of the Committee on Armed Services.

Mr. ISRAEL. Mr. Speaker, I am a new member of the Committee on Armed Services and very proud to be serving on that committee under the able leadership of the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON), the ranking member.

Mr. Speaker, last month I visited the Naval and Marine Corps Reserve Center in Amityville, New York, to bid farewell and Godspeed to the Alpha Company of the 6th Communication Battalion. They went willingly; they sacrifice selflessly; they serve proudly. I remember their faces; I remember their families' faces.

Our Nation owes them the legislation before us today, but we owe them much more than that. We must stand with them. We need to protect their jobs, protect their incomes, protect their homes, provide health care for their families while they are away, and just as important, after they return.

We cannot ask men and women who fight for our freedom abroad to fight for their veterans benefits when they return home. We cannot balance the domestic budgets on the backs of those who are willing to fight on our fronts. We have a covenant with these patriots. We have a moral contract with these soldiers. We have a national commitment to these hundreds of thousands of faceless heroes and their families. So as we stand here united in praise of our troops, let us never forget the sustained and long-term obligation we have to our regular Armed Forces, our activated Reserves and our veterans.

They are there for us, and we must be there for them. They are the ones who truly and bravely answer the philosopher's charge: ''Freedom must be reinvented in every generation.'' God bless them. God bless America.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this story of this massive mobilization which has been undertaken is a story of people. It is a story of families and a story of close-knit communities.

We have a group of folks in Operation Home Front in San Diego, California, which is a support group, lots of businesses, lots of great folks, community leaders and lots of community servants, who have gotten together to try to build a group that will be a support group for the families and all the folks who are still at home. They have done a wonderful job.

That model was started by, I believe, Roger Hedgecock, one of our radio talk show hosts, spread throughout San Diego County. I know that idea has spread throughout the country. It is representative of this great community that does find common ground in this very important first duty and first obligation of our government, which is to ensure the security of its people.

Mr. Speaker, I think there is nothing more descriptive of the support of our uniformed personnel than a letter which was written to a Marine sergeant, Benjamin Harris, by his wife. This letter could just as easily have been written to the battlefield at Gettysburg, sent to a base camp in Vietnam, the Chosin Reservoir during Korea, or the Guadalcanal beachhead during World War II:

''My Dearest Ben, I hope this letter finds you in good spirits. As I look into our son's eyes every day, I see you. I miss you every second we're apart, but there is a reason for our separation. You've been my hero for years, now it's time for the world to see you shine.

''Finally everyone will see all that you stand for, all that you're made of: pride, honor, strength, and a faith that shames most men. Though my heart aches without, I know what my duty as a Marine's wife calls for, and so I give you to our country, to our world, 'to fight for right and freedom,' as a Marine's hymn states. I give you to the families who lost in the attacks on our country, and I give you to the rest of the world. Without men like you, people wouldn't have the freedom to sit down to dinner with their families, to tuck their children into bed at night knowing that they'll be safe. I understand the pain of separation is temporary. If I must give up the sound of your laughter for the sound of my tears, so be it. The sound of my tears then will give me strength as your laughter once did. They are tears of loneliness, anger and fear, but also of pride and love. You are the air I breathe, and while I am lost without you, I know you'll be home soon to find me. God speed, and God bless. Your loving wife, Erica.''

Mr. Speaker, that is the story of mobilizations that took place in the last century, that left 619,000 Americans dead on battlefields around the world. That is the story of the American mobilizations which have given freedom to hundreds of millions of people in this world, and which shortly may give freedom to millions more; and it cannot be done without the sacrifices that are manifested in thousands of letters, hundreds of thousands of letters like the one I just read.

To all my colleagues who contributed to this resolution, I want to thank them and thank my great partner in rebuilding our national defense, the gentleman from Missouri (Mr. SKELTON).

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a distinct honor to serve with the chairman, a veteran himself, who knows so well what we are honoring here today; and I thank the gentleman for his efforts and for his dedication and leadership.

Mr. Speaker, I yield 1½ minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON), the ranking member, for their outstanding leadership and services rendered not only to our country, but especially on matters pertaining to defense.

Mr. Speaker, at the most crucial time in our Nation's history, we are faced with the likely prospect of putting our men and women in uniform in harm's way. This is a serious and solemn responsibility not only for our President but also for the Congress of the United States.

Recently, I had the privilege of visiting the Demilitarized Zone between North and South Korea, along with the gentleman from North Dakota (Mr. POMEROY) and the gentleman from Florida (Mr. FEENEY), and certainly I would like to express our appreciation to General Leon LaPorte who is in charge of some 37,000 of our troops who are stationed there in Korea. I would also like to thank Dr. Edward Feulner, the president of Heritage Foundation, for allowing us to visit the leaders of South Korea. I am deeply aware of the important decisions these leaders have to make in the coming weeks and months.

It was my privilege also to visit my own constituents who are also stationed in Korea including Sergeant Major Special Forces Tui Nua, and 15 other members of my constituents who are on active duty. I especially thank Ambassador Seung Youn Kim for the hospitality and courtesies that he extended by allowing me and my constituents who are serving on active duty in Korea to work together and to enjoy each other's company.

Mr. Speaker, I urge my colleagues to support this most fitting resolution.

□ 1315

The SPEAKER pro tempore (Mr. OSE). The gentleman from California (Mr. HUNTER) has 1 minute remaining and the gentleman from Missouri (Mr. SKELTON) has 12 minutes remaining.

Mr. HUNTER. Mr. Speaker, I would like to ask unanimous consent and with the consent of my great colleague the gentleman from Missouri (Mr. SKELTON) that we might take one of his minutes and thereby be able to yield 2 minutes to our closing speaker, the chairman of the Subcommittee on Total Force, the gentleman from New York (Mr. MCHUGH).

Mr. SKELTON. Mr. Speaker, that is quite all right. We do yield such minute.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. HUNTER) will control 1 additional minute.

There was no objection.

Mr. HUNTER. What we might do if it is okay with the gentleman from Missouri, perhaps he can continue with his

speakers and then we will wrap up with the gentleman from New York as we get close to the end.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, first of all, we are very proud of the service of the chairman and ranking member. As I was coming over here, ironically, and I see the gentleman from Georgia (Mr. COLLINS) is here, I got a call from a constituent who thanked me. I did not get a chance to talk with her. I have to call her back. Thanking the five of us who went to central Asia and to the Middle East and the flags we brought to our troops and the greetings from our President and the entire Congress, thanking us for providing a flag to her husband. I am anxious to call her back.

Congresswoman, we are proud of you as well. This was a sobering experience. It was elevating by every stretch of the imagination to be with the troops in the field.

Some may disagree with policy on this floor, but this is America, and we are allowed to do that. The troops understand that there is a difference in debating policy and supporting their efforts. We are 100 percent behind our troops and they know that and we know that as proud Americans. So God bless this country, regardless if you are in Camp Doha, if you are in Coyote, or if you are in New York or New Jersey, if you are in Camp Ganci, named after that great fire chief from New York City, we are here 100 percent in support of you. God bless this great country.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentlewoman from Guam (Mr. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I am a new member of the Committee on Armed Services. I would like to recognize the gentleman from California (Mr. HUNTER), our chairman, and the gentleman from Missouri (Mr. SKELTON), our ranking member.

On September 11, 2001, I was acting Governor of Guam. I will remember that day forever. Even though the terrorist attacks occurred thousands of miles away, the people of Guam heard the call to service in defense of our Nation. The 44th Aerial Port Squadron of Guam mobilized to the Middle East and the 368th Military Police Company of Guam has been deployed to Okinawa and mainland Japan. Our first responders, the National Guard, the Reserves and the active duty military are defending this Nation against those that attack innocent civilians.

Our troops are forgoing their families and, in some cases, their livelihoods to combat this threat. So I want to thank them very much for carrying the burden of separation and living with the fear of loss of their loved ones in service of our great Nation. This is a war that cannot be won by force of arms alone, but by the unity and strength of purpose of our Nation. That strength of purpose shines bright in our servicemen and women and they will deliver victory. They do us all proud. I commend them and thank them for their ongoing successful mission defending the homeland and on the front lines of freedom throughout the world.

Mr. SKELTON. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, my congressional district lies a long way from the World Trade Center and the Pentagon, but on September 11 all of America was a victim of this deadly and unprovoked attack. The next day, my office was inundated with calls from young men and women ready to enlist in our Armed Forces to serve in the war against terrorism. Now almost 18 months later, these seasoned soldiers and sailors are on the front line of terrorism, having already served in places like Afghanistan, the Philippines and in the Horn of Africa. I salute their courage and selfless dedication.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. I thank my colleague from Missouri for yielding me this time.

Mr. Speaker, one of the first acts I did as a Congressman was to expedite the citizenship of a young man, Mano Catchatoorian, who is in the 416th Engineer Command, so he could ship out with his unit to Kuwait on February 24. I cannot think of a better thing than an individual who wanted to become a citizen and move out with his unit so he can join our forces but, most importantly, to be part of his Nation.

I want us all to think about what we are doing today, because we are supporting our troops, we are supporting their families, and we are supporting our communities that will be missing the Little League coaches, the folks who work at the boys clubs, the girls clubs, the Boy Scouts. This is an appropriate thing, because Mano, before he left, he called me the next day, thanked me for what we did to expedite his citizenship. He said to me, ''just do me one favor. Don't forget us.'' I cannot think of a more just act than what we are doing today, regardless of our party, regardless of where we come from, not to forget them.

Although we will vote in this resolution to support our troops, later on tonight I would like us all to put them and their families in our prayers.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I would like to add my strong support to the joint resolution of both my colleagues, Chairman HUNTER and also Ranking Member SKELTON. I think not only myself, but all of us have the highest respect for our young men and women, and they deserve our sincerest gratitude, for the Armed Forces in our country do not make foreign policy, they fulfill the tasks that our democracy puts to them with skill and honor.

In my hometown of Houston and throughout Texas, many active duty personnel have been shipped overseas and Reserve and National Guard units are also being called up. The Houston-based 75th Army Training and Support Division has been completely mobilized for the first time since World War II. Just yesterday, the 17,000 strong 1st Cavalry Division based in Fort Hood, Texas, got the call to ship out overseas.

These men and women are not allowed to tell where they are heading or what this mobilization will lead to, but this is a life they volunteered for. The war on terrorism requires sacrifices for many, but the military is always on the front lines defending our national security. After September 11, the work required of our military has greatly expanded, and I believe they are up to the task.

Again, Mr. Speaker, I would like to tell our Armed Forces that our hearts and minds and prayers are with them.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I want to thank Chairman HUNTER and Ranking Member SKELTON for bringing this resolution to honor the men and women who are serving. I happen to represent in my district Fort Bragg and Polk, the two bases that are called the 911 posts in this country. Thousands of those men and women are now stationed around the world.

But in addition to what has been said, let me talk about a group of young folks who have not been spoken about today and that is the children of these men and women that have been deployed. They watch TV every night. They hear the stories. Our school personnel deal with them every day. They deserve our help each and every day. They deserve that we do the right thing as we honor the men and women who are serving. As we start our appropriations processes later, we have the obligation to make sure that the children of these men and women are taken care of, because they face some difficult times and our school personnel deal with them on a daily basis with many of the traumas that they face.

Mr. Speaker, I thank the gentlemen for the resolution and encourage it to my colleagues.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I will be brief because no words can adequately express the debt of gratitude we owe our servicemen and women and their families for the sacrifices they make on behalf of our country. But I do want to commend the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) for sponsoring this important resolution showing our deep respect for our servicemen and women.

I would add one footnote. I hope we will show them our respect with our

deeds and not just with our words and vote on this resolution. I am still bothered by the fact that the budget proposal suggests a cut in Impact Aid military education funding to the children of moms and dads who, as we speak, from my district and others, are being deployed over to the Iraqi theater. With the leadership of these two great supporters of our military families and others on both sides of the aisle, I hope we will support them with this vote today and with our dollars and with our votes on actions that support their quality of life.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

A number of years ago, I had the opportunity to go down to Norfolk Naval Base and watch the USS *Theodore Roosevelt* deploy for its 6-month deployment. There I saw the greatness of America aboard ship as the sailors would wave and also on the dock as the families, the husbands, the wives and the children, they also were and are part of the greatness of America.

Today we see the same scene, of all services, different colored uniforms, those who leave, the men and women being deployed, and of the families waving and saying good-bye, to the children who will not have their mother or their father who are in uniform with them for their birthday, for their graduation. This, of course, is a sacrifice of the military families.

We should remember that the young men and young women in uniform, their families, children, spouses, really form a backbone of greatness in our country. The gentleman from California (Mr. HUNTER), my friend, the chairman of our committee, a veteran himself, we thank him for his leadership on this resolution as well as his leadership on the Committee on Armed Services. To all the Americans who are sharing in this worldwide global battle against terrorism, we wish them well.

Mr. Speaker, I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, with great thanks and respect for my colleague the gentleman from Missouri (Mr. SKELTON), I yield the balance of my time to the gentleman from New York (Mr. MCHUGH) who is the chairman of the Subcommittee on Total Force on Armed Services which has jurisdiction over all those important issues with respect to pay and bonuses and housing and the melding of our Reserve forces and our Guard forces and our active forces together, the guy who cares about over a million men and women in uniform.

Mr. MCHUGH. I thank the chairman for yielding, and I deeply appreciate the ranking member for yielding me some time as well.

Mr. Speaker, it would be impossible for me to even begin to equal the eloquence of my colleagues who have spoken with such passion and such meaning over these past minutes with respect to the subject of this resolution. Our debt of gratitude certainly, as has been said time and time again, goes to the tremendous bipartisan leadership of two special individuals, two men in whom I hold so much admiration, the chairman the gentleman from California (Mr. HUNTER) and, of course, the ranking member the gentleman from Missouri (Mr. SKELTON).

This resolution in my mind, Mr. Speaker, would be warranted on any day of the week in any year you might choose. It is obviously particularly important now as we see the demands that we place upon these brave men and women increasingly grow each and every day.

□ 1330

I too have had a chance to witness these incredible sacrifices. I had the honor just a few weeks ago to travel with a number of my colleagues throughout the European theater, meeting with the Reservists and Guardists and the active component and talked to the folks who too often we forget about, too often we take for granted and do not understand the sacrifices that they leave behind.

The resolution speaks to it very eloquently: the hundreds upon hundreds of people already having given of their lives and by being wounded in combat, the dozens and dozens who have given their lives in its fullest measure, from the loss of life through the battle on terrorism, and yet never with a regret, never with anything more than pride and tears from their families. I think that this resolution, more than any others I have seen in many weeks on this floor, deserves the unanimous support of all of our colleagues; and I would certainly urge each and every one of the Members of this House to support it promptly here today.

Mr. Speaker, I rise in strong support of this joint resolution and commend Chairman Hunter and Rep. Skelton for bringing it to the floor.

Ever since the attack on the United States on September 11, 2001, the soldiers, sailors, airmen and marines of the U.S. military—be they active, National Guard, or reserve volunteers—have willingly gone into harm's way to carry out many courageous and successful operations against terrorism that have helped to make us at home safer and more secure.

Threescore or more of our military people have died, and hundreds have been wounded or injured so far in this Global War on Terrorism, but all remain committed to seeing the mission through to the end.

The fight against terrorism has added new missions to our Armed Forces that even prior to September 11th were greatly challenged. The 10th Mountain Division from Fort Drum in my district is a case in point. The deployment of division troops to the combat zone in Afghanistan had been matched by deployments of division units to Bosnia, Kosovo and the Sinai, as well as to homeland defense missions in the United States. As one 10th Division officer told the media: ''We like to say the sun never sets on the 10th Mountain Division patch. We are literally all over the map.''

During the 10th Mountain Division's deployment to Afghanistan, soldiers such as Staff Sergeant David A. Hruban, Staff Sergeant Randel Perez, Specialist Mark T. Henry, and Sergeant James Rissler of the Division's 1st Battalion, 87th Infantry, distinguished themselves in battle. Specialist Wayne Stanton, also of the Division's 1st Battalion, 87th Infantry, was wounded in the same battle and reenlisted just last week, one year after being wounded, knowing full well that he may soon be redeployed to a combat zone. The heroism of these brave soldiers embodies the commitment and sacrifice of our military personnel.

The ability of our military personnel to sustain the war is closely related to the willingness of their families, and in the case of reservists their employers, to continue making sacrifices. This resolution is an effort to recognize and acknowledge that sacrifice.

Finally, Mr. Speaker, as we approach a possible war with Iraq, the Nation is about to ask our Armed Forces and their families for additional sacrifices. It is thus only right that all members support this joint resolution expressing our gratitude to those who are fighting for us, and reaffirming that Congress stands united with the President in the ongoing effort to defeat global terrorism.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of this resolution to commend the members of the United States armed forces.

As a veteran of the United States Army, I know firsthand the contributions our military service personnel make in defense of our nation and the tremendous burden their families are forced to bear. Here in the U.S. House, I serve on the Army Caucus, and I work on a bipartisan basis to support our men and women in uniform. Our service personnel are dedicated, professional and deboted to duty. Congress must stand up for these brave men and women who risk their lives to defend our country, our ideals and our interests around the world.

I have the honor of representing the men and women of Fort Bragg and Pope Air Force Base. Fort Bragg is truly our nation's ''911'' base because when America is in trouble, our leaders pick up the phone and call Fort Bragg. The mission at Fort Bragg is to maintain the XVIII Airborne Corps as a strategic crisis response force, manned and trained to deploy rapidly by air, sea and land anywhere in the world, prepared to fight upon arrival and win. Co-located with Fort Bragg, Pope Air Force Base provides a unique synergy and has played a leading role in the development of U.S. tactics and air-power throughout history. Missions at Pope range from providing airlift and close air support to American armed forces to humanitarian missions flown all over the world. The men and women from these installations, their families and the entire community on a daily basis contribute whatever is asked of them for our country's safety and security.

Mr. Speaker, as America stands on the brink of war, hundreds of thousands of our military personnel have been deployed abroad. They need to know that Congress stands behind them, and this resolution is an appropriate expression of our support. I urge my colleagues to join me in passing this resolution.

Mr. MILLER of Florida. Mr. Speaker, it is my pleasure to join with my colleagues in commending the continued dedication, selfless service, and commitment of members of the

Armed Forces and their families during the Globar War on Terrorism and in defense of the United States.

It's difficult to comprehend that nearly 225,000 members of the National Guard and Reserve components have been mobilized for active duty since the start of the Global War on Terrorism. Of that number, more than 166,000 remain on active duty, with thousands facing a second year of active duty away from families and civilian employment.

Additionally, more than 200,000 active-duty personnel have already been deployed to the Persian Gulf theater and thousands of Reservists and National Guard members have been alerted for mobilization or are deploying for a possible war with Iraq. These men and women are on the front lines of our war on terrorism and anywhere else we have asked them to be. One place they are not, is home. They are missing baseball games, soccer matches and all the other creature comforts we tend to take for granted.

A year is a long time to be away from home and a long time to be wondering what is next. For many of our service members, that year grew by an additional three months, then six months and some are now standing at 2-year deployments. They do so with loyalty and dedication.

Mr. Chairman, during the January work period, I had the opportunity to visit our men and women in uniform stationed in Germany, Italy and France. I was struck by their professionalism and commitment to their assigned duties. They are proud to serve. Simple as that. Of course they miss their families, they miss their home and some miss decent television programming. But they are proud to serve and know they will be home soon enough.

We can never say thanks enough to these men and women but I appreciate the opportunity to thanks today.

Mr. EVANS. Mr. Speaker, I would like to commend the young men and women of our nation and my district who risk their lives daily to protect our nation from global terrorist networks wishing to do us harm. Our men and women in uniform's selfless dedication embodies the spirit of America. I believe the extraordinary commitment of everday Americans to root out fanatics bent on destroying our way of life will make us successful in the war on terrorism.

This is the first war in our nation's history where we face an enemy that solely targets innocent civilians, regardless of their age, religion, race, or background. And when the call of duty went out to mobilize against this enemy, thousands enlisted and re-enlisted to fight this global threat.

A week after the attacks on America, a 40 year old constituent in my district called me begging to join the war on terrorism. He is a 40 year old married farmer and was willing to forsake his home and career to serve in the U.S. Army. And as you know, there are no ''leaves of absence'' when you farm. He was willing to give up his farm and accept a temporary separation from his wife to serve in our nation's armed forces. As you can imagine, he called me and wanted assistance in joining because the U.S. Army prohibits enlistments beyond 35 years of age and conforming to this policy he was denied enlistment. But, I commend his unusual, but not uncommon, willingness to serve our nation.

In my position as the Ranking Democratic Member of the House's Veteran's Affairs Committee, I have had numerous veterans approach me and personally volunteer to serve and fight in the war against these terrorists. Veterans as old as 85 have told me they would be willing to join the war on terrorism if their country ever called on them.

While those of us in Congress may differ on how best to deal with Iraq and North Korea, we stand absolutely united on the war on global terrorism and our support for our troops. And as the senior Democrat on the House's Veteran's Affairs Committee, I will do my part to ensure that when these troops return home they are entitled to the protections and benefits guaranteed to every veteran. Their selfless sacrifice and long absence from home must be rewarded. Just as we stand vigilant against any further terrorist acts we must stand together to protect the entitlements and benefits that protect the members of our armed services when they return home.

Mrs. McCARTHY of New York. Mr. Speaker, the tragic events of September 11th changed our world forever. Engaged in a war, different from any other in our nation's history, we are once again calling upon the brave members of the U.S. Armed Forces to defend democracy and freedom. At this time, during our war on terrorism, I want to commend every member of our U.S. Armed Forces.

While we all desire peace, when war cannot be avoided, our U.S. Armed Forces put their lives on the line, with some paying the ultimate sacrifice. To all those who wear the uniform we honor and thank you. It is also important to thank and commend the family members of our Armed Services. Through love and support they enable our forces to embark on their difficult battle while trying to maintain their life without their loved ones next to them.

The war on terrorism has just begun. On the frontlines, in America and around the world, are the brave men and women of the U.S. Armed Forces. They are protecting our rights and freedoms, and for this I thank them.

Mr. SPRATT. Mr. Speaker, I offer my wholehearted support today for H.J. Res 27, which recognizes and commends the continuing dedication, selfless service, and commitment of members of the Armed Forces and their families in the war on global terrorism and in defense of the United States in the Persian Gulf and elsewhere.

This measure is a simple gesture, but I hope it will convey the profound gratitude we feel for the service provided by our men and women in uniform. Since I was elected to Congress 20 years ago, I have represented Shaw Air Force Base in Sumter, South Carolina, which provides nearly 40 percent of the Air Force capability to ''Suppress Enemy Air Defenses.'' Like most Members, I also represent hundreds of men and women in the National Guard and Reserves, who are contributing to this nation's defense now more than ever before. So I know firsthand of the dedication we recognize today.

To all of you I offer this message. Your dedication to the defense of America, your willingness to go in harm's way, our unparalleled capabilities, and your unequaled bravery warrant our highest praise and deepest appreciation. Wherever you are serving, I extend a hearfelt ''thank you.'' Indeed, we should all thank God that there are such Americans willing to go anywhere and pay the price of defending freedom and the security of this country.

Mr. KIND. Mr. Speaker, I rise today in support of this resolution honoring our brave men and women of the armed services. Their duty and sacrifice are appreciated by all Americans, and it is right that we pay recognition to them today.

The post September 11th world demands increased vigilance on the part of our armed services. With these increased demands, the role of the National Guard is critical in providing the total force necessary to ensure our security. Over the past month, I have met with many National Guard and Reserve members from western Wisconsin who have been called up for service in the global war against terrorism.

Recently, I attended send-off ceremonies in Prairie Du Chien, Platteville, and Richland Center, Wisconsin for units of the Wisconsin National Guard that have been called to duty. These men and women and their families are answering the call of their country, even though some have been given very limited notice by the Department of Defense. In one instance, the time between alert and mobilization was only 2 days, making it increasingly difficult to make arrangements regarding family and work obligations. Every member of the Wisconsin National Guard, however, has reported enthusiastically and without hesitation. They are well-trained, well-motivated and, in short, very impressive individuals. Our country is fortunate to have the quality of individuals in our Armed Forces.

I want to particularly express my appreciation to the members and families of the 229th Engineer Company out of Prairie Du Chien and Platteville, the 829th Engineer Detachment out of Richland Center, and the 1158th Transportation Company with members from Tomah and Black River Falls. These units have been activated and are likely to be deployed overseas.

Over 2,200 members of the Wisconsin Air and Army National Guard are serving on Active Duty. The people of western Wisconsin are proud of their service and the service of all the men and women of our armed services during this important time in our Nation's history. Our appreciation also goes out to the families of these service members for their support and sacrifice during these challenging times.

The American people and the Congress of the United States stand behind our armed service members, and we know they will be successful in their mission.

Mr. CASTLE. Mr. Speaker, I want to thank Congressman HUNTER and Congressman SKELTON for introducing this important resolution. Now more than ever it is time to recognize and commend all our members of our armed forces for the excellent job they have done, and will continue to do in the war against terrorism.

As the situation in Iraq continues to develop, it is expected that by mid-March more than 250,000 brave American men and women military personnel will have been deployed to the Persian Gulf region. We currently have troops in all of the Persian Gulf states except for Yemen. In addition, tens of thousands of dedicated National Guard personnel and reserve employees have been called to active duty. While it is not yet known where all of these men and women will be deployed, it is known

that they are a key component in the overall force structure.

While the recent focus has and will continue to be on Iraq, it is important to remember that are U.S. armed forces are serving admirably all over the world, and more and more is continually asked of them. Members of the armed forces have been serving for the past seventeen months in the ongoing operations to root out terrorism, and their continued work in Afghanistan, South Korea and other hot spots are just part of their service. Whether providing vital counter-narcotics assistance, training the militaries of other nations in counterterrorism measures or serving the United States at home, our men and women have made sacrifices that go beyond the call of normal duty.

In conclusion, as we move forward in this war against terrorism, let us remember those who have served us in the past, those who have lost their lives while protecting our nation, and the sacrifices the families of military personnel have made. All members of the U.S. Armed Services, in my State of Delaware and around the world, must be recognized for their outstanding and courageous service in these uncertain times. With passage of this resolution today, we express the gratitude of our Nation.

Mr. ROYCE. Mr. Speaker, I rise in support of the resolution. Not too long ago, I returned from Afghanistan, and other Central Asian countries, where I met with our troops on the front lines of Operation Enduring Freedom.

Mr. Speaker, Americans can be very proud of the men and women serving our country in Central Asia. They are true professionals, doing their jobs in very difficult conditions. Troops we met with were in good spirits and morale is high. Yes, our soldiers want to come home—several told me how they miss their wife and kids—but above all they want to finish their mission.

In the coming weeks, U.S. forces may be asked to face combat in the Middle East. No one wants war. If military conflict does come, you can be sure that we have the very best serving our country. They are the latest in a long line of men and women who have served our country with distinction, and to whom we owe our freedom.

The SPEAKER pro tempore (Mr. OSE). Pursuant to the order of the House of Tuesday, March 4, 2003, the joint resolution is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H.R. 743, de novo;

H.R. 1047, by the yeas and nays;

House Joint Resolution 27, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PARLIAMENTARY INQUIRY

Mr. DOGGETT. Mr. Speaker, I wanted to be clear on H.R. 743. Does the Chair have us for a record vote? If not, I will ask for a record vote at this time.

The SPEAKER pro tempore. The Chair will put the question de novo.

SOCIAL SECURITY PROTECTION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 743, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 743, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DOGGETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 249, nays 180, not voting 5, as follows:

[Roll No. 44]

YEAS—249

Abercrombie
Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Ose
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—180

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Biggert
Bishop (GA)
Blumenauer
Bonilla
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Burns
Capps
Cardoza
Carson (IN)
Carter
Case
Clay
Clyburn
Combest
Conyers
Costello
Cramer
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Granger
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hensarling
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kingston
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McDermott
McGovern
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moran (VA)

Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Towns
Turner (TX)
Van Hollen
Velazquez
Waters
Watson
Watt
Waxman
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Gephardt
Snyder
Stupak
Sweeney
Terry

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). The Chair wishes to remind Members that there are 2 minutes remaining in this vote.

□ 1355

Messrs. ISRAEL, SHERMAN, SCHIFF, MOLLOHAN, WAXMAN, HONDA, KINGSTON, VAN HOLLEN, CARDOZA and COSTELLO, Ms. MAJETTE, Ms. LOFGREN, Mrs. BIGGERT, Ms. BERKLEY, Mrs. TAUSCHER, Ms. LORETTA SANCHEZ of California, Ms. GRANGER and Ms. MILLENDER-MCONALD changed their vote from ''yea'' to ''nay.''

Messrs. JOHNSON of Illinois, BERRY, FLETCHER, CARSON of Oklahoma and MEEHAN changed their vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the remainder of votes in this series will be conducted as 5 minutes votes.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1047.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 1047, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 11, not voting 8, as follows:

[Roll No. 45]

YEAS—415

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—11

Aderholt
Capuano
Clyburn
Goode
Jones (NC)
McDermott
Oberstar
Obey
Sanders
Taylor (MS)
Taylor (NC)

NOT VOTING—8

Blunt
Franks (AZ)
Gephardt
Lynch
Snyder
Stupak
Sweeney
Terry

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). The Chair wishes to remind Members there are 2 minutes left in this vote.

□ 1403

Mr. TAYLOR of Mississippi changed his vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING MEMBERS OF UNITED STATES ARMED FORCES AND THEIR FAMILIES FOR SELFLESS SERVICE DURING GLOBAL WAR ON TERRORISM

The SPEAKER pro tempore. The pending business is the question of the passage of the joint resolution, H.J. Res. 27, on which further proceedings were postponed earlier today.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 46]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Blunt
Fletcher
Gephardt
Snyder
Stupak
Sweeney
Terry
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair reminds Members there are 2 minutes left in this vote.

□ 1409

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semiannual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 5, 2003.*

COMMUNICATION FROM ASSOCIATE ADMINISTRATOR, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Kathy A. Wyszynski, Associate Administrator, Office of Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,

Washington, DC, February 26, 2003.

Hon. J. DENNIS HASTERT,

Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that the House Payroll Office has been served with a civil subpoena for documents issued by the Superior Court for San Francisco, County, California.

After consulting with the Office of General Counsel, I have determined to comply with the subpoena.

Sincerely,

KATHY. A. WYSZYNSKI,
Associate Administrator.

CORRECTION OF APPOINTMENT OF MEMBER TO SELECT COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 5, 108th Congress, and the order of the House of January 8, 2003, the Chair announces the correction of the Speaker's appointment of the following Member of the House to the Select Committee on Homeland Security:

Mr. SHAYS of Connecticut, to rank after Mr. WELDON of Pennsylvania.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXPRESSING OPPOSITION TO WAR PENDING IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, I came to the House floor because I felt that I needed to come down here and speak before this body about my opposition to the war that seems to be pending in Iraq.

I come to the floor today to say that war is not inevitable; that this great Nation, whose power and hegemony is not disputed, can assert its leadership without the terrible destruction of a preemptive all-out war.

I come to the floor today to pay tribute to the millions and millions of everyday people all around the world, including throughout the United States, who have expressed so clearly their conviction that a U.S.-led invasion of Iraq is not the answer.

I come to pay tribute to the city of Chicago, one of about 100 U.S. cities whose elected leaders, responding to their citizens, voted ''no'' to a preemptive war. In Chicago it was by a vote of 46 to 1.

We are on the brink of the first war in history started by the United States against a country that has not threatened violence against the United States. We are on the brink of implementing a new policy of preemptive war, and ushering in not a new world order but a world of unprecedented disorder.

Let us examine the facts: Iraq is led by a tyrannical dictator, one who may have, who probably has, chemical and biological weapons; one who violates human rights and oppresses his people; the same tyrannical dictator, by the way, who was our ally in the 1980s when Iraq was at war with Iran; the same dictator to whom we sent chemical and biological materials in the eighties; the same dictator who we now charge with using chemical and biological weapons, but at the time, the United States refused to support a U.N. resolution condemning Iraq.

□ 1415

The same Saddam who was in place in 1998 when the Haliburton Company, led by Vice President DICK CHENEY, was doing business in Iraq. The same dictator that has onerous characteristics that can be applied to many other countries, many of which we call ally, friends and coalition partner. And can be applied to countries like North Korea and Iran, who pose an even greater danger to the United States.

So why Iraq and why now? I stand here today as a patriot and particularly resentful, not only for myself, but all of my constituents who oppose this war because we deeply love this country. But we believe that this war fails to meet the threshold test. Will it make us citizens and residents of the United States safer? Will it make the Middle East, and of particular concern to me, Israel, safer? Will it make the world safer?

I say the answer is, and I feel in my heart, a resounding no.

The Central Intelligence Agency reports that Saddam is likely to use chemical and biological weapons only if we attack. Saddam and Iraq had nothing to do with September 11, or at the time, Osama bin Laden, despite desperate attempts by this administration to link them. But an attack on Iraq now could meld an unlikely coalition of terrorist organizations and fundamental Muslim organizations that will be a real threat to the United States and other countries around the globe.

Most importantly, we have real options to disarm Saddam Hussein. The way this debate has been shaped is you are either for all-out war, or you are for nothing and that could not be further from the truth.

Saddam Hussein must be disarmed and no one disagrees with that. And we have a structure for doing that. The United Nations was set up for that, is ready to do that and with the mighty leadership that the United States could exert, can do an even better job to make sure that Saddam Hussein who has, in fact, been violating resolutions, will comply now with disarmament. We can be part of a large and growing coalition of civilized nations who says that in this 21st century, where the technology allows for chemical and biological and even nuclear weapons to proliferate around the globe, and it will be hard given this century and this knowledge to stop that, unless we have a coalition of civilized nations that will surround and isolate rogue states and rogue nations.

We should lead in developing that coalition. We do not have to go to war now. I say no war on behalf of my constituents and to this Congress.

DANGER OF UNILATERAL ACTION AGAINST IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, President Bush continues to strongly suggest that America will go to war against Iraq without the support of the United Nations or a significant number of our traditional European allies. Following his lead, many Americans, as well as media commentators, have become critical of the United Nations and the member nations of the Security Council that have expressed opposition to U.S. military action at this time.

My concern, Mr. Speaker, is that the United States is needlessly losing the world opinion war with dangerous implications for the real war against Iraq or, even worse, for the larger war against terrorism.

I voted against the congressional resolution that authorized unilateral U.S. military action against Iraq in part because of my fear that President Bush would have less incentive to create the type of world coalition that was so successful in the Gulf War. We tend to forget that the Gulf War was successful in many ways beyond the mere fact that the U.S. liberated Kuwait. The coalition of support meant that many countries provided manpower, money, and the political support that made U.S. actions justified in world opinions, even in Muslim countries.

The situation, Mr. Speaker, we now face with Iraq is very different. The logistics to carry out the war may suffer from the inability to utilize bases or air flight over countries that were previously supportive in the Gulf War.

The cost of the war will be borne almost entirely by the United States. President Bush has not included the costs, estimated from 50- to $200 billion in his budget. And this does not even include the cost to rebuild Iraq. It also does not include assistance that other countries are demanding. For example, Turkey, which has asked for an aid package in the tens of billions.

My greater concern, Mr. Speaker, is whether the lack of support by other countries stiffens the resolve of the Iraqis to fight and makes it more difficult for U.S. forces to conduct the war or alternatively encourage the fundamentalist forces that perceive American action as anti-Muslim and, therefore, accelerate terrorist attacks against the United States.

I keep asking why the Bush administration feels it is necessary to adopt the rhetoric of unilateral action given the perils that might accompany it. Why do the President and his advisors insist that they do not need the United Nations and our traditional allies even while they pursue resolutions in the Security Council and try to convince other countries to support us.

It often seems that their rhetoric makes it all the more difficult to achieve the world coalition that was so successful in the Gulf War.

Mr. Speaker, it is crucial that in the next few days and the next few weeks, the Bush administration make every effort to achieve the support of the United Nations as well as the key countries such as France, Germany, Russia and China that have voiced U.S. opposition to U.S. policy in Iraq. The President can best accomplish this goal if he makes it clear that a world coalition is crucial to the United States.

Mr. Speaker, I hope that we can avoid a war altogether by working within the Security Council to successfully disarm Iraq. I still hope that that can be accomplished. But absent that, the President must work a lot harder to build a world coalition to support a war if it is going to take place and avoid the political perils of unilateral military action.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BIRCH BAYH FEDERAL BUILDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I rise today to introduce, along with my colleague, the gentleman from Indiana (Mr. HILL) legislation naming the Federal Courthouse located at 46 East Ohio Street, Indianapolis, as the Birch

Bayh Federal Building and United States Courthouse.

Birch Bayh was born on January 22, 1928, in Terre Haute, Indiana. He is a graduate of Purdue. He holds a BS degree in agriculture and a JD degree from Indiana University School of Law. He is married to the former Katherine ''Kitty'' Halpin and is the father of two sons, Evan and Christopher.

Senator Bayh began his political career at age 26 when he was elected to the Indiana House of Representatives in 1954. He served as Speaker and 4 years as Democratic floor leader. Senator Bayh's career in the United States Senate from 1962 to 1980 is distinguished by his expertise in constitutional law.

As chairman of the Subcommittee on the Constitution of the Senate, Senator Bayh successfully authored and ushered two amendments to the Constitution, the 25th on presidential and vice presidential section, and the 26th amendment lowering the age from 21 to 18 years of age to enable people the right to vote.

No lawmaker since the Founding Fathers has authored two amendments successfully to the United States Constitution.

Senator Bayh wrote landmark legislation on behalf of women and minorities. He authored Title IX to the Higher Education Act providing equal opportunities for women, students and faculty. He was an architect of the Juvenile Justice Act to separate juvenile offenders from the adult prison populations. He played an integral and important role in the passage of the 1964 Civil Rights Acts and the 1965 Voting Rights Act.

I believe this is the first time, Mr. Speaker, that we have had two Members, father and son, that served so prestigiously in the United States Senate. Senator Birch Bayh, for whom this building would be named, is the proud father of Senator EVAN BAYH, who now serves with distinction in the United States Senate. This is House bill 1082, and I would encourage unanimous support, Mr. Speaker.

CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. BEAUPREZ) is recognized for 5 minutes.

Mr. BEAUPREZ. Mr. Speaker, I yield a portion of my time to my colleague from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I would ask that there are two issues that weaken the Democrats' chance in the White House. One is victory in Iraq. The second is the economy. You will see them stand up here and demagog all day long. I would ask my colleagues on the other side, where were they during Haiti, a hell hole today? Where were they in Somalia and where they denied armor and they depicted Black Hawk Down? Where were they in Iraq four times when President Clinton went in there, or the Sudan, Bosnia, Kosovo and 147 other deployments?

Mr. BEAUPREZ. Mr. Speaker, I rise to call attention of the Members of this House of what has been called the most significant conservation project of our time, the Continental Divide National Scenic Trail.

The idea of a 31,000-mile trail stretching across 5 western States from our northern border with Canada, southward to Mexico, came into being in 1978 through congressional designation. For many of the same reasons national parks are established, national scenic trails are created to conserve the nationally significant scenic, historic, natural and cultural qualities of critical areas.

In 1995, a group of dedicated citizens founded the Continental Divide Trail Alliance to coordinate and gain support for the completion and protection of this king of all trails. Within 2 years, the first border-to-border inventory of the trail conditions was completed. Alliances were forged with the U.S. Forest Service, the Bureau of Land Management, the National Park Service and the equivalent State and local agencies to plan and schedule trail development projects.

To date, through efforts of the CDTA, over 300 miles of new trail was built and opened to the public. Over 1,200 miles of existing trail has been improved or rerouted and hundreds of acres of land acquired or donated for the trail's route.

Through enormous effort by the CDTA, the trail is on track for completion and dedication in 2008, the 20th anniversary of its congressional designation.

Mr. Speaker, the vision of our predecessors in this body to create the Continental Divide National Scenic Trail in 1978, combined with the dedication and passionate commitment of the CDTA represents the very best of public-private partnerships.

Through governmental enabling legislation and regulation combined with private sector financial support and considerable sweat equity, an enormously grand conservation initiative is within a stone's throw of completion. Strategies incorporated by the CDTA over the last 7 years include local constituent involvement in public lands decision-making process, private sector financial support for Federal government initiatives, volunteerism and youths corps and conservation stewardship all found in the USA Freedom Corps and the President's Health and Fitness Initiative.

Mr. Speaker, I ask that the record of this House of Representatives include this acknowledgment and compliments to the members of Continental Divide Trail Alliance. May they achieve their 2008 completion objective and may they have our collective gratitude for a job well done, knowing their efforts will preserve a national treasure for generations to come.

HONORING BIRCH BAYH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HILL) is recognized for 5 minutes.

Mr. HILL. Mr. Speaker, a couple of years ago, I was having dinner with my good friend from New York (Mr. WEINER) and he posed the question, who was more influential in the country, Justices of the Supreme Court or United States Senators. I remarked that I have thought United States Senators, to his surprise, and probably to the surprise of some Members in this body.

But I say that because it was my Senator, my former Senator, Senator Birch Bayh, who did some astonishing and good things for the United States. One of the things that he did was push through Title IX, which afforded women and children all across this country the opportunity to compete as men compete in athletics and other curricular activities. I had a particular interest in Title IX myself, being the father of three daughters who were given the opportunity to play soccer, volleyball and other outside activities, the same as men.

□ 1430

Today, my good friend, the gentlewoman from Indiana (Ms. CARSON), introduced a bill to rename the Federal courthouse and government building in Indianapolis after the former Senator.

From his humble beginnings in Terre Haute to his 18 years of service in the United States Senate, Birch Bayh remains one of the most respected and beloved Hoosiers of all time.

He is the first person since the Founding Fathers to offer two amendments to the Constitution of the United States, amendments 25 and 26. His accomplishments are a point of pride for Indiana.

I mentioned title IX. His years since his Senate service have been marked by his championing of numerous social causes, including his advocacy for senior citizens, the handicapped, women, and minorities.

I am proud to support the dedication of a Federal building in Indianapolis in our State's capital. It is important and appropriate that this Congress honor the service and commitment Senator Bayh gave to Hoosier constituents and the institution of the United States Congress.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear in the Extensions of Remarks.)

BUSH FOREIGN POLICY IS ISOLATING AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, before this war starts, we should recognize that the Bush administration foreign policy toward the Middle East and central Asia is leading America down a dangerous, dark alley globally. It is isolating America in the world even further.

Even before the Bush administration took office, America had a growing problem there related to the unresolved Arab-Palestinian conflict as well as our addiction to the import of Middle East oil from which the profits prop up repressive regimes.

This chart shows the dramatic increase in deaths among U.S. diplomats in service to our country overseas. Most of them are in the Middle East and central Asia and most in the Middle East. It is very interesting. Here were the Beirut bombings in 1983 at our embassy, the Kenya bombings. This chart does not include now the millions of people that have been affected and the thousands of Americans here at home who lost their lives on 9–11, as well as diplomats like Lawrence Foley who recently was assassinated in Jordan or the soldiers who recently lost their lives in Kuwait.

In 2 years, Bush's programs have reduced America's standing in the world, plummeting even more than before. The conduct of the Bush administration foreign policy is costing America friends across the world. Even our oldest and staunchest allies in the cause of freedom are turning away from us.

Our neighbors, Canada and Mexico, are increasingly at odds with this administration's foreign policy goals. The Bush administration cannot buy the loyalty of the people of Turkey. We offered billions of dollars in grants and loans, and we sold out more textile workers in North and South Carolina by saying the Turkish textiles could be used in U.S. military uniforms to lure their support, but the Turkish parliament has refused to be a rubber stamp for the government and rejected the request to allow U.S. troops to use Turkey as a staging base.

Why? It is not Colin Powell's fault necessarily. We should look at the fact that about 95 percent of the people of Turkey oppose this administration's war with Iraq.

Henry Luce called the 20th century the American Century, but USA Today says the 21st century might be known as the anti-American century. USA Today this week had a huge article talking about how Americans traveling abroad are now being treated. One traveler told USA Today he carries a lighter emblazoned with an American flag. On recent overseas trips, he says he had been turned down when he offered someone a light and they see the flag on his lighter.

In Britain, 67 percent of the public opposes a war against Iraq without specific backing from the United Nations Security Council. Americans are being told by USA Today, do not patronize U.S. franchise restaurants abroad.

In Germany, 86 percent of the people are opposed to a military attack against Iraq; and in Russia, at least 91 percent of the people oppose a war against Iraq. It is widely recognized that support for the United States has never been lower in South Korea. Around the world, public opinion has shifted against this country.

A former national security adviser's brigadier general said in the New York Times yesterday, America's standing in the world has never been lower since 1945. We are losing the battles for the hearts and minds of the people of the world.

For a White House that follows polling results as closely as the Bush White House, these numbers are staggering. The problem is not President Chirac of France or Chancellor Schroeder of Germany. These have been America's most historic and dependable democratic allies. The problem is that the Bush administration has simply failed to convince the people of the world that a preemptive strike against Iraq is justified.

Meanwhile, here at home, energy prices are going up. Gasoline is over $2 a gallon in California and rising across America, and the last four recessions have been caused by rising oil prices. Just be smart enough to connect the dots.

It is time for the United States to put all that money that we are spending abroad right here at home to create energy independence, and it is time for us to get back to the bargaining table with Israel and the Palestinian authorities to put peace in that region and every single bit of energy that we have toward that end.

Today, we had a magnificent outpouring of support against the war from the poet laureates of America, and I choose to read one of the 13,000 poems that they presented to us by Mr. Stanley Kunitz, a 97-year-old poet from New York City, who said, ''When they shall paint our sockets gray and light us like a stinking fuse, remember that we once could say, yesterday we had a world to lose.''

EXPRESSING SYMPATHY FOR VICTIMS OF BUS BOMBING IN ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, it is with saddened heart that I rise today to express my deepest sympathies to the families of the victims of today's bombing in Haifa, Israel. Every time a candle of hope and light is put out by one of these criminals, we as leaders must stand up and say, no more, you will not succeed in terrorizing us. We, as a moral people, will not tolerate the victimization of innocent lives.

Less than 2 years ago, our veil of protection from terrorism was lifted when we experienced the worst attack ever in U.S. history. Since then we have been further linked not only to Israel but with every other nation that has ever been subject to this crime against humanity.

Despite the intention of these terrorists, we have not cowered in the corner or run from the fight. Instead, it has strengthened our global resolve to stop these acts once and for all, no matter where the criminals lie, including Iraq.

The President's position on Iraq is clear and direct, with the moral and legal authority behind him. For years Iraq has sponsored terrorism both directly and indirectly, and it is time the spotlight must shine on this issue; and it must come to an end.

With our efforts to remove Saddam Hussein from power, the Middle East may have a chance to achieve something that they have not had for centuries, stability and peace.

Whether our fight is alone or with others from around the world, the United States will ensure the safety of its people both here and abroad.

Again, Mr. Speaker, my heart goes out to the victims and their families of today's attack in Israel. The only consolation that I can give them is that they are not alone in their time of grief or in their fight for survival. We, the people of the United States, have stood and will continue to stand with our friend Israel.

God bless the United States of America.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

(Ms. KILPATRICK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

IN MEMORY OF MR. JOHN LONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HAYES) is recognized for 5 minutes.

Mr. HAYES. Mr. Speaker, earlier this year the 8th Congressional District of North Carolina lost one of its strongest advocates, Mr. John Long, the editor and publisher of the Weekly Post in Stanley County.

John Long was the epitome of a newspaperman who cared deeply about his local community, whether that local community be the city of Chicago or the city of Locust, North Carolina. Sadly, my friend John Long recently passed away.

John grew up in Florida and attended college at Clemson University before taking a job with the Christian Science Monitor, working in their Boston and Chicago bureau. John started as a copy

boy but soon became the youngest reporter to ever work for the Monitor. He traveled all over our great country in search of stories.

In 1972 he returned to the South and spent time as an editorial writer with The Charlotte News. He has been the editor and publisher of The Weekly Post since its inception.

John's articles and columns were widely read and widely respected in Stanley County. As a matter of fact, I would gladly trade a week of national TV interviews for a good mention in one of John's articles.

John had a reputation for always doing the right thing in all of his pursuits in life. His time at the newspaper was no different. He was a stickler for accuracy and doing the right thing during his newspaper career.

John passed away on a Tuesday, the day they put the paper together, and therefore, the busiest day of the week at The Weekly Post. I am going to miss John, and I know that Stanley County is going to miss John and miss reading his weekly insights.

He is survived by his loving wife of 39 years, Pat; three sons, John A. Long, III of Monroe, Matt Long of Raleigh, and Tim Long of Charlotte; daughters Elizabeth Vettorel of Charlotte and Laura Long of Charlotte; four grandchildren; and brother Michael Long of Atlanta. My heartfelt condolences go out to his family for their loss and the community's loss.

Though we all felt a bit selfish, I know I speak for a lot of us in the community when I say that after the initial shock of hearing the bad news we all wondered if The Weekly Post was going to continue. I am pleased to note that his wife, Pat, and daughter Laura have pledged to continue publishing. I commend them for their hard work and continued dedication to Stanley County.

While his presence in Stanley County will be missed, John's legacy will remain with us forever.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

(Mr. DOGGETT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AIR CARGO SECURITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, I rise today to introduce the Air Cargo Security Act, a bill to strengthen air cargo security on all commercial flights by closing existing air cargo security loopholes. This bill is the companion to legislation introduced by Senators HUTCHISON and FEINSTEIN.

Since September 11, we have worked diligently as a Nation to improve the safety of our commercial air travel, dramatically increasing the security requirements for passengers on airliners. Yet on those same aircraft, there remain glaring gaps in air cargo security, according to a 2002 GAO report. Nearly one-quarter of all air cargo is transported on passenger aircraft, typically filling the hull of each passenger plane. Yet only a fraction of that cargo is ever inspected.

According to the GAO, air cargo is vulnerable to tampering at multiple points during land transportation and at air cargo handling facilities. First, there are lax processes for verifying the identification of air cargo handlers and conducting criminal background checks. Second, the Known Shippers Freight Forwarding program does not have sufficient safeguards in place to adequately protect against cargo tampering; and most important, nearly all cargo shipped by passenger plane is never screened.

The Air Cargo Security Act would require the Transportation Security Agency to resolve these deficiencies in air cargo security through several key mechanisms. First, it requires the TSA to develop a strategic plan to screen, inspect, and otherwise ensure the security of all cargo transported through the Nation's air transportation system.

It also imposes measures that would require the TSA to increase inspections of air cargo shippers and their facilities and to work with foreign countries to conduct regular inspections at facilities transporting air cargo to the United States.

This bill requires TSA to establish an industry-wide pilot program database of known shippers of cargo that is shipped in passenger aircraft and to conduct random inspection of freight forwarder facilities. The Secretary would be required to suspend or revoke the certificate of noncompliant freight forwarders.

Under this act, the TSA retains tremendous flexibility in developing a program to inspect and screen air cargo in which it can select from a wide range of technological and operational options to enhance security. These measures, ranging from low- to high-tech, include using bomb-sniffing dogs, installing more cameras in cargo areas, screening air cargo for explosives, securing cargo with high-tech seals, or using cargo tracking systems or industry-wide computer profiling systems.

□ 1445

By using a combination of these techniques, TSA will be able to design and implement an effective system to ensure the security of our air cargo. Aviation security is a bipartisan issue that directly affects all Americans. Aviation is only as safe from terrorism as its most vulnerable component and that component is now the cargo. Strengthening air cargo security is vital to ensuring passenger security.

I want to thank my Senate colleagues for their leadership on this issue, and to the cosponsors of this legislation in the House, the gentleman from Colorado (Mr. MCINNIS), the gentleman from Hawaii (Mr. CASE), and the gentleman from Texas (Mr. BELL), and I urge my colleagues to support the Air Cargo Security Act of 2003.

IN MEMORY AND HONOR OF CHRIS AND BOB EGGLE

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, I rise today to introduce two homeland heroes. They are Robert Eggle and his late son, Chris.

Chris was a brilliant young park ranger in the Organ Pipes Cactus National Park in Arizona when he was brutally murdered by an illegal alien who had crossed into the United States after committing two murders in Mexico. Chris was in the front lines on a battlefield we pay far too little attention to. He gave his life in service to the country, and certainly deserves the designation as homeland hero.

But I want to introduce another homeland hero, and that is Chris's father, Bob, the gentleman here in this picture to my left. Mr. Eggle is an incredible individual with whom I had the opportunity to spend some time in Arizona just a couple of weeks ago. He has become an incredibly articulate spokesman for the cause of homeland security. He understands fully that that security begins with the security of our border.

Mr. Eggle and several others, as well as Members of the House, including the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Arizona (Mr. SHADEGG) endured the trip to the very spot in Organ Pipe Cactus National Park where his son was killed. And I say ''endured the trip'' because, as anyone can imagine, this was a difficult undertaking for anyone, especially the father of the murdered victim. But Mr. Eggle's stoic character was a true inspiration for all of us who were with him that day. He was an inspiration as we traveled to the spot where his son was killed. He was an inspiration as we stood and he led us in silent prayer for his son.

Mr. Eggle does not, understandably, does not want his son's death to be forgotten by this Nation. He wants to make it an example for others. He wants people to understand that there are many folks on the border like Chris, who put themselves in harm's way every day to try to protect those borders. But he also recognizes that we are in sort of a halfhearted war on those borders because we really do not fully support the men and women who we send to defend them.

Chris was not trained to deal with terrorists. Chris was not trained to deal with people coming across that border with AK–47s and carrying tons

of drugs and all the things we know go on along that southern border. It is, in fact, a war zone. If anybody does not believe that, they should go to Cochese County and spend some time there, spend some time with the rangers, spend some time with Mr. Eggle.

Mr. Eggle stated recently, ''I gave an eye for one war, now I have given my son in another. What is our President going to do about the war on our borders?'' This is an excellent question, Mr. Eggle. It is one that should be asked not just of the President of the United States, but of all the Members of this body, because we have essentially abandoned Mr. Eggle. We have abandoned the people who live along the border to the ravages of what I believe can be called nothing less than an invasion. Their homes are being destroyed. Their families are being destroyed. Their lives are being destroyed.

Chris Eggle's life was taken. Bob Eggle lives to tell us the tale and to help and to ask us to remember. That is the least we can do for Mr. Eggle, a true homeland hero.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

(Mr. LANGEVIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, millions of Americans have grave concern about this administration's policy in Iraq, and I am one of them. Several of us have come to the floor today to express those concerns. But before I do so, I would like to relate a story from this past Monday when I went to the deployment of the United States Navy's frigate, the U.S.S. *Rodney Davis,* where I saw off a group of what looked like awfully young sailors to the potential war zone.

Mr. Speaker, I went there to tell those proud sailors something that there is unanimity about in America. I went to tell them that no matter what people in America think of the policy in Iraq, every single American is proud of our men and women in the military service. I wanted to tell them that because the very freedoms that many Americans have been exercising in various places across this country in the last few weeks are the freedoms that our service personnel protect, and the freedom of speech to dissent against our government's policies would not exist without the courage and dedication of our men and women in uniform.

So I told them that all Americans of every stripe, short, tall, east, west, Democrat, Republican, that during their mission, our prayers would be with them and our support would be with them in every way shape and form.

But I thought it important to come back and think about the policy in Iraq real hard, Mr. Speaker, because these were young men. Mostly men. There were some women. A mother came up and she was bawling, and she said, about her son, the sailor, ''He's just a boy. He's just a boy.'' He had only been out of bootcamp for just 2 weeks. Upon reflection, I thought to myself that it is old men like us who send young men to combat, and so we should think real hard about it.

With that in mind, I want to pose some questions that millions of Americans to the President before he launches this war in Iraq.

Number one. Why should America abandon its long-term bipartisan belief that we should work with the international community in a multilateral effort at security in favor of an internationally nonsanctioned preemptive attack on another nation? Why are we compelled to break with this long tradition, that has been embraced by Americans, that civilized countries need to work together to stop aggression for mutual security rather than to open the door to war so that every country that is aggrieved can start another war against another one?

Why should we give Pakistan the sanction to attack India without international sanction? Why should we give the sanction for any country to attack another country absent imminent threat without international sanction? And why should our President tell the United Nations that they can just stick it in their ear and that America is going to start a war anyway?

That is a question that the President has not adequately answered to date and that needs an answer before a war starts.

Frankly, it is a little troublesome that our President has said that he respects the United Nations; that he wants the United Nations to be effective; that he wants the United Nations to work together, but tells the United Nations it does not matter a fig what the United Nations thinks, because America is going to start a war anyway. This has not helped to build multilateral international support for the greatest country in the world, which is the United States of America. And we need that question answered before a war starts.

Second question. How many billions of dollars of taxpayer money are being used to buy votes for this war? We have heard of tens of billions of dollars for Turkey. Now we hear the administration trying to buy votes around the world for this war. We need to know how many billions of dollars of taxpayer money are going to buy these votes.

And the reason I say that is that unfortunately, and I think it is most unfortunate, if this war starts, it will not be a coalition of the willing. The international community will look at it more as a coalition of the bribed. And that is not something our country needs to be proud of. We need to be proud, and we are proud, of our men and women in uniform, but this is not a message to be sending internationally.

Third question: After months and months and months of inquiry by Americans across the country, where is the compelling evidence that Iraq was behind the September 11 attack on this country? We have asked. We have searched. We have given the benefit of the doubt to the administration in every way we could, and that evidence has been wholly lacking.

Fourth: Why abandon inspections right in the middle of this effort? Why abandon something that is making progress? Why abandon the process that is destroying these missiles? And, lastly, why create a chaotic situation in Iraq that can be a breeding ground for the al-Qaeda to regroup, like is happening right now in northern Iraq under our northern fly zone.

No, we should keep this tyrant, this thug in his tight little box and we should work with the international community to keep him there. Mr. Speaker, I hope that no war starts until those answers are in to the American people.

PRESIDENT BUSH'S JOBS AND GROWTH PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise today in strong support of President Bush's plan to grow the economy, create jobs, and provide meaningful tax relief to hardworking Americans.

In these troubling times, some critics across the aisle believe that the answer to our Nation's problems is to take a greater slice of family income pie. President Bush and I, instead, want to grow the size of that pie by growing the economy. When economic growth occurs, businesses generate greater profits, more people go to work, they earn better wages, and they have greater opportunities. To encourage individuals and families to risk their time and to risk their savings on that new software idea, that transmission repair company, that hamburger stand, that new enterprise, Mr. Speaker, they need tax relief. They need permanent tax relief. And the President's plan does just that.

We have historical evidence that tax relief works. It is not just faith, it is evidence. Each time our Nation has significantly reduced income tax rates, economic growth has followed. When President Reagan lowered rates in the 1980s, it fostered economic growth averaging 3.2 percent a year, and Federal revenues actually increased, I repeat, increased by 20 percent. When

President Kennedy lowered tax rates in the 1960s, we had several years of real economic growth of 5 percent. And the same is true of tax relief during the 1920s, where economic growth averaged 4.3 percent.

History has shown us that tax relief can spur economic growth and can allow hardworking American families to keep more of what they earn and increase government revenues.

Now, Mr. Speaker, some say that tax relief is too expensive. But in fact, under a worst-case scenario, if the President's plan generates no economic growth at all, the package would account for only 5 percent of the $2.2 trillion budget proposed for next year. Yet as many of my colleagues from across the aisle decry deficits and tax relief on the one hand, they are the first to demand more Federal spending on the other. Instead of focusing on the 5 percent of the budget that constitutes tax relief, perhaps we should all focus on the 95 percent which constitutes Federal spending, much of which is pure waste and duplication.

Today, we have nearly twice as much inflation-adjusted Federal spending per family than when I was born. Do we really need that much Federal Government? And over this same period, inflation-adjusted Federal spending has grown seven times faster than our family budgets. Is it any wonder that our family tax burdens are near an all-time high? A middle income American family can now pay up to 40 percent of their income in Federal, State, and local taxes. That is not tax fairness.

The President's economic program is tax fairness because it provides tax relief to taxpayers, especially middle income Americans.

□ 1500

Mr. Speaker, 46 million married couples would keep over $1,700 of what they earned, enough to pay two mortgage payments. Now that is a housing program. Thirty-four million families with children would keep an additional $1,500, enough to purchase a new personal computer for their children. That is an education program. Six million single women with children would keep $541, which could purchase a month of day-care. That is a child care program.

Middle-income families would also receive additional relief from accelerated reduction of the marriage penalty, a faster increase in the child care tax credit, and immediate implementation of the new, lower 10 percent tax bracket.

To boost investor confidence and encourage investment, the President's plan also eliminates the unfair double taxation on dividends. The elimination of this unfair double taxation on dividends is expected to produce a one-time increase in equity values of up to 5 percent, at a time when we desperately need to increase stock values and consumer confidence.

Mr. Speaker, about half of all dividend income goes to our seniors who often rely on those checks for a steady source of retirement income.

Mr. Speaker, we cannot tax, spend, or sue our way into prosperity. We can only grow our way into prosperity. I strongly encourage Members to support the President's jobs and growth plan.

BOMBS AND BULLETS WILL NOT WIN WAR ON TERROR

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I am here to share the opposition of my constituents to a war in Iraq. The folks I work for understand that the war on terror cannot be won with bombs and bullets, that we can fight with bombs and bullets, but that will not end terror, nor will this approach ensure the safety of Americans. Only a strategy of multilateralism, humanitarian aid and development can win the war on terror. Only a strategy that preempts new terror attacks without creating new terrorists can win the war on terror. Bombs, bullets, and war are not the solution to terrorism. My constituents understand this.

The gentlewoman from Ohio (Ms. KAPTUR) has been coordinating with an organization called Poets Against the War. This organization has been collecting poems written by Americans around the country. Their poems reflect their concerns about current U.S. policy toward the war against terror and Iraq.

Today it is my honor to share a poem that was written by one of my constituents, Elizabeth Barret, an 83-year-old woman from Mill Valley, California. She wrote a poem called ''Peace.''

''I will listen to my heart. I know that I need to open my heart to God. The prospect of war makes me cry out for peace. Where are all the mothers and children? Where are all the men whose hearts have been hurt? Do they not know that they were at one time children too?

''The world needs peace. We have become very small. We need to love each other more than ever. Who will help the world? The women and children will save the world.''

Mrs. Barret eloquently makes the key point that we should measure every single decision this House makes by its affect on our Nation's children. She understands that an invasion of Iraq will inspire a new generation of terrorists to threaten our children.

Instead of following this path of destruction, we can work to contain Iraq and concentrate on destroying al Qaeda. That is what is best for our children. One of those children, 15-year-old Carina from San Rafael, California, wrote this poem. It is called ''Lady Paz.''

''I imagine there are jungles inside her if not under her fertile skins, what hope? I know it is our vampire wishes that leech life from this stolen soil our scrawled, thoughtless messages that degrade such indelible bark.

''I can see her relief so clearly, the dark impressions of her liquid eye casting cacophonous shadows across our curve of hazy planet.

''Give us your real hand, the one where sap pulses warm and whose clasp is meaty and sharp through sun's dream-tricks whose brown fingers don't leave us abandoned and guessing.

''Will you take us, our legs streaked in ash, our misconceptions bending and bending, the fissures in earth's crust growing deeper, the molten rock bubbling up like blood? Oh, peace, you must be a tainted lady. A tainted lady to tame us screaming so.''

Mr. Speaker, Carina understands that violence is not the way to peace. She understands that we can start a war in Iraq and destroy Baghdad from the air. And she understands that after sending our soldiers and their soldiers to the grave, we can win a war in Iraq, but that will not win the war on terrorism.

The only way to win the one war that matters, the war on terrorism, is to bolster crumbling societies, support economic development and end support for undemocratic regimes. Let us do the right thing for ourselves and for our children. These children, 25 percent of our population, are 100 percent of the future of this Nation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Massachusetts (Mr. TIERNEY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

TROOPS IN IRAQ WILL ONCE AGAIN BE EXPOSED TO DEADLY CHEMICALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I am here to talk on behalf of three doctors and myself. I was a physician during the Vietnam War. I was in Long Beach. I saw the troops coming back from the Vietnam War, and I saw what the war did to them. I also have been in government since then and have seen how our government for many years denied that

Agent Orange had any effect whatsoever on the troops.

In 1984 we settled a claim for all of the problems created by Agent Orange, which we finally admitted. Now we have a case before the Supreme Court at this very time where they are trying to reopen that claim on behalf of people who are suffering even 40 years after the war.

It is for that reason that I raise the issue today of depleted uranium in Iraq. I was there. I was in Iraq in 1991, and I was there again this year; and the evidence is overwhelming of the impact of what Iraq has suffered from depleted uranium and what we, the United States, are about to suffer.

Dr. Al-Ali said that before the Gulf War they had only three or four deaths a month from cancer. Now it is 30 to 35 patients dying every month, and that is just in his department. That is a 12-fold increase, 1,200 percent increase in cancer mortality. Studies indicate that 40 to 48 percent of the population in that area will get cancer in 5 years. That is almost half the population.

A woman doctor, Dr. Ginan Hassen, said, ''I studied what happened in Hiroshima. It is almost exactly the same here. We have an increased percentage of congenital malformaties, an increase of malignancy, leukemia, brain tumors, and the rest.'' Under the economic sanctions imposed by the United Nations Security Council, now in its 14th year, Iraq is denied the equipment and expertise to decontaminate its battlefields from the 1991 Gulf War.

These are two Iraqi doctors talking. Let me quote an American doctor, Dr. Doug Rokke, who was appointed by Norman Schwarzkopf to go in as a part of the decontamination team and clean up what we did. We dumped 300 tons of munitions with depleted uranium in this area that he was sent in to clean up. He says: ''I have 5,000 times the recommended level of radiation in my body. Most of my team are now dead.'' Eighteen out of 24 people, American soldiers sent in to clean that up, are now dead.

Dr. Rokke says, ''We face an issue to be confronted by the people in the West, those with a sense of right and wrong.'' First, a decision by the United States and Britain to use weapons of mass destruction, depleted uranium. When a tank fired a shell, each round contains 4,500 grams of solid uranium. What happened to the Gulf was a form of nuclear war. That was 1991. We are about to do it again. People are talking about 3,000 missiles into Baghdad in the first day and 3,000 on the second day, all with depleted uranium on the point. Why is that used? Because it is so penetrating, when it explodes, it creates a white dust, uranium oxide, and people walk around, it gets in their lungs and reproductive organs. Children died. That is where those figures come from for the children. That is why we have so many malformations at birth among Iraqi women. It is to the point today where Iraqi women say, Is my child normal?

Mr. Speaker, we did that once to them, and we are about to do it again. We are about to do it again, and we are about to do to our own troops, hundreds of thousands of them, what we did to Doug Rokke. Dr. Rokke marched in there and did his duty. I am here talking for the veterans of our country and for the women and men who are on the line for us out there. I do not want them sent into that.

We are going to march troops right through the very place where this happened to the Iraqi people. Will our government admit what they are doing? No. They will not talk about what is going on with depleted uranium.

Here is the issue. The Secretary of VA, Mr. Principi, remember the Bush administration, writes a letter to the Department of Defense and says please do preservice evaluations on all of the men and women so we can look at, when it is over, what the difference is.

How can we send 300,000 American people into war that kills Iraqis left, right and center with impugnity? This is an unjust war. There are many reasons to be against this war; but this reason, the soldiers and Marines and sailors of the United States are the major reason we should not be doing it. We are exposing our own people to something that we will not admit we are doing.

□ 1515

MOURNING THE PASSING OF WAUKEGAN POLICE CHIEF MIGUEL JUAREZ

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Mr. Speaker, I rise today to give sad news to the House, that we have lost the police chief of Waukegan, Illinois, Miguel Juarez, last night in a tragic heart attack. Miguel Juarez led the police department in the largest city in my congressional district, he was the highest ranking Latino official in our city, and he was my friend. Miguel Juarez at age 50 passed away and completed a distinguished career.

Miguel was born in Chihuahua, Mexico, and came to the United States at the age of 1. He joined the U.S. Marines and served our country with distinction in Japan, Norway and Denmark and finished as a decorated veteran at Fort Sheridan in my congressional district. In 1979, he joined the Waukegan Police Force as a police officer, rising through the ranks continuously, until he became our chief of police in May 2001. But that only understates Miguel's contribution to our community. Miguel was a member of 22 different community organizations in our town.

I extend the House's profound condolences to Miguel's wife, Rosa, and his four children. Miguel was a unique man who spoke not just English and Spanish, but also Japanese. He was fully qualified as a SWAT team member, he taught gang awareness, and he accompanied me recently on a drug raid at a house in South Waukegan where I saw the professionalism and bravery of the team that he built under him. I want to extend my profound sorrow to the entire Waukegan municipal team.

In the language of his original country, I would like to say, Espero que tienes un buen viaje, Miguel, mi Amigo. Tenemos muchas lagrimas en Waukegan esta noche. It says, I hope you have a good trip, Miguel, my friend, and we are extending many tears in Waukegan this night.

Miguel Juarez, a leader, a Latino, my friend. We lost him last night. We will miss him greatly. The House should mark that time.

THE IRAQI CONFLICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, to provide for the common defense of our Nation is a constitutional duty here in Congress, and we have no responsibility more serious than to look after the security of the people of America, and to do it in a way that honors and protects the men and women who defend our security. We certainly recognize their courage, their sacrifice and their patriotism.

I am concerned that the American-led war upon which we are about to launch, followed by an American military occupation, would make Americans here at home less secure, not more. With that in mind, I would like to refer to a resolution introduced by the gentleman from Ohio (Mr. BROWN) and cosponsored by a number of others of us. The joint resolution has a number of whereas clauses, including that whereas Saddam Hussein is a repressive dictator who has demonstrated through his own actions, including the invasion of Kuwait and the oppression of the Iraqi people, that it is necessary for the international community to ensure his conduct is in accordance with international law.

And whereas on September 12, 2002, President Bush committed the United States to ''work with the United Nations Security Council to meet our common challenge'', posed by Iraq and to, ''work for the necessary resolutions'' while also making clear that, ''the Security Council resolutions will be enforced and that the just demands of peace and security will be met or action will be unavoidable;'' . . .

And whereas Congress recognizes the efforts of the President to obtain unanimous approval for United Nations Security Council resolution 1441 which affords Iraq, ''a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council.''

And following various other whereas clauses, we call upon the President to

report to Congress prior to using U.S. Armed Forces against Iraq pursuant to section 3(a) of the Authorization for the Use of Military Force, to report on the following:

1. A determination that further diplomatic and other peaceful means will not adequately protect the national security of the United States against the threat posed by Iraq. In other words, that war is, indeed, a last resort.

2. A full accounting of the implications, both positive and negative, of initiating military action against Iraq in regard to homeland security, the war on terrorism, regional stability in the Middle East, the Middle East peace process, and the proliferation of weapons of mass destruction. In other words, to understand the implications that an invasion of Iraq would have for our other international interests, including the combat against terrorism and the regional stability in the Middle East.

3. The steps the United States and its allies will take to ensure that any and all weapons of mass destruction and the related knowledge base will be safeguarded from dispersal to other rogue states and international terrorist organizations. In other words, to see that the risk of use of weapons of mass destruction would actually be reduced, not increased, by an invasion of Iraq. As an aside, I might comment, the serious problem that is created by our lowering the threshold for the use of nuclear weapons in that area.

4. The United States' plan for achieving long-term social, economic and political stabilization of a post-conflict Iraq, including a plan to provide humanitarian assistance to the Iraqi people and to ensure respect of their human rights as well as bringing to justice the individuals responsible for serious violations of international humanitarian and human rights law committed in Iraq.

5. The nature and extent of the international support for military action against Iraq and the impact of military action against Iraq on allied support for the broader war on terrorism. In other words, it is not just a matter of ''you're either with us or against us'' but how does this help us work together to accomplish our goals around the world now and in the future.

6. The steps the United States and its allies will take to protect United States soldiers, allied forces and Iraqi civilians from any known or suspected environmental hazards, associated with battlefield agents.

7. An estimate of the full costs including humanitarian aid in light of possible refugee flows, reconstructing Iraq, and securing political stability in the region, and

8. The anticipated short and long-term effects of military action on the economy and the Federal budget.

We end by saying it is the sense of Congress that the report required by subsection (a) should be delivered by the President in the form of a public address to a joint session of Congress. I think with this kind of report, that is satisfactory on all these points, our men and women in uniform will have everything they need to defend the security of the American people. Without such a report I must conclude that it is at least premature, or more likely contrary to our national interest, the fight against terrorism, to our ability to lead the world, to launch a military attack against Iraq now.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CAPUANO) is recognized for 5 minutes.

(Mr. CAPUANO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 5 minutes.

(Mr. DELAHUNT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

(Ms. SOLIS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

(Mr. VAN HOLLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

(Mr. BACA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NOMINATION OF MIGUEL ESTRADA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, one of the reasons why we decided to come over this afternoon is again to talk a little bit about the Miguel Estrada case that is before the Senate. One of the concerns that we had was in terms of the fact that he had been nonresponsive in terms of the questions.

Let me first of all start by thanking the Senate for doing the right thing and, that is, deciding not to support the nomination of Miguel Estrada. We take, at least as elected officials, a very important role in making sure that when we are asked to support a letter——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the Member that any reference to Senators' positions or statements is not in order.

Mr. RODRIGUEZ. Thank you very much, Mr. Speaker, I will make every attempt not to do that. Thank you.

One of the things that as elected officials, we take pride in doing, letters of support to constituents, letters of support for individuals to certain positions, and we want to make sure that, as elected officials, when we do a letter of support, that we know the nominee, that we know who that person is. We ask for documentation in some cases. I do not write letters for anyone unless I know the person personally, because I know full well as an elected official, one of the first things I was told, Mr. Speaker, and I know you probably have experienced this is you do not want to write a letter for someone that later on commits a crime. There is nothing worse than doing that. We want to make sure we do the right thing. In so doing, also, the Senate has a responsibility, and, that is, to look at the candidates that come before them and to be able to ask the questions of them, and to be able to look and then make a decision based on that.

Here we have a nominee that has failed to respond to questions. Maybe people would say, why not give him a chance? As elected officials, we get elected to 2 years. You might say, well, I'm going to vote for Mr. RODRIGUEZ this time, I'm not sure, but I'm going to give him a chance. With the nominees for the Federal court, we do not have a second chance. They are there for life. I would ask you that if you are going to be hiring someone in your office, if you are going to be hiring someone in a firm, if you are going to be hiring someone and he is going to be staying with you for life, you want to make sure that you feel comfortable about making that decision. And so I want to thank the Senators that have stood there strongly and asked those questions that are important. My thanks to all those who are sharing——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is reminding the Member again to avoid improper references to the Senate.

Mr. RODRIGUEZ. I can make reference to the Senate as long as I do not tell them what they need to do; is that correct, Mr. Speaker?

The SPEAKER pro tempore. Remarks in debatee may include statements as to the bills they have sponsored, but any other references or summations of their positions should be avoided.

Mr. RODRIGUEZ. I will try to refer to the Constitution. The Constitution says that the Senate has an obligation to stand for the Constitution and to make sure and consent. That would be appropriate, Mr. Speaker, I would presume, since it is in behalf of the Constitution. Thank you.

I want to also take this opportunity to thank all those that have shared their message and stress the importance of making sure that this debate takes place.

Throughout this debate, Members from both sides of the aisle have continued to accuse those of us who have opposed Miguel Estrada of setting a double standard. They have even gone as far as saying that we are anti-Hispanic for doing so. I have heard some of these proponents of Miguel Estrada profess their great support of the Hispanic community. While we welcome them to join our fight on the issues that matter to our community, we think that it is important to clarify the record.

I would ask them, where was that support in terms of the Hispanic community when it came to bilingual education? Where were these votes in behalf of bilingual education? Do they think that they are supporting the Hispanic community by voting for the Bush budget that eliminates funding for school programs critical to our children's academic success? Or when they threaten the school lunch program as we are seeing now? And how can they say they are supporting Hispanics when they oppose the earned income tax credit program that is so critical for our working families?

And how can they also say that they are supporting Hispanics when they failed to extend unemployment insurance benefits at the time when Hispanic unemployment is one of the largest in the Nation? And how can they touch, in terms of our Hispanic community, when they voted to not even allow legal permanent residents the opportunity for basic human services but still feel that it is okay to send them to war?

Some of these Members have also gone to the floor and spoken in Spanish. I want to commend them for that effort. But we will not be fooled by some nice sound bytes in Spanish or pretty photographs. Your voting record will be the determining factor of determining whether the community, the Hispanic community, is going to be supportive or not. I know as the elections come around, the presidential, as well as the Senate, and the House elections, people are going to be reaching out to the Hispanic community. There is a great opportunity there to get some votes, but that record is going to be determined based on the records in responding to the needs of that community.

We continue, and will continue to oppose Miguel Estrada because we know nothing about Mr. Estrada. He is a mute nominee. The Senate opponents to Estrada are acting fairly because they are doing their job as they move forward as far as I understand. They faced the White House strategy of nominating and hiding. They deserve answers. I think in response to those questions, we feel that Miguel Estrada deserves better treatment, in all honesty, in terms of being advised by the administration, I presume, not to answer those questions.

I ask you once again, would you hire someone who would not be responsive to those questions? I think the burden of proof is on Miguel Estrada.

□ 1530

Miguel Estrada has to show that he should be the person nominated, especially when he is nominated for life. So when we interviewed Mr. Estrada, we asked him basic questions that other nominees have answered. He had no response. There were no answers. He was asked about judges that he admired. He was asked about people that he looked up to. There were no responses. In some cases we asked him about the Lau v. Nichols decision, and when the 20 members of the Hispanic Caucus met with him he chose not to respond and/or he was either naive about the Lau v. Nichols decision, which is a very important decision on bilingual education.

For critical questions, Mr. Estrada provided no answers; and yet these are the same questions that the supporters of Mr. Estrada in the Senate have asked the other non-Hispanic nominees during the judiciary hearings. If there is a double standard, it is seeking questions from one nominee but defending the mute nonresponses of another, and I guess some of the Members have also forgotten what transpired with Richard Paez, who languished on for 4 years in the Senate, and Enrique Moreno who also was waiting for nomination. Where were the Hispanic fighting individuals out there on behalf of Enrique Moreno? Where were they for Jorge Rangel? Where were they for Christina Arguello? Where were they for Sonia Sotomayer?

Where were they for these Hispanic members who had been nominated to the courts? All appointees had their nominations stalled for extraordinary amounts of time, and I think I speak for all Americans when we say that it is time to go back to business. We need to focus on our needs of our families. We need to work to get our legislation and address their needs. We need to work towards a comprehensive and realistic prescription drug plan that addresses our needs. We need to keep looking in terms of how are we going to build the economy and the importance of creating jobs and raising our country to where we once were just a few years ago. We have been entrusted to look out for this country, and yet we have failed to move in that direction.

So we will continue to be in opposition to the Estrada nomination. We are going to continue to move forward and at least from the caucus's perspective continue to be in opposition to the nomination.

I also want to take this opportunity to indicate that when we met with the nominee, it is not every day that the caucus is unanimous about their decisions. We have 20 members of the Hispanic Caucus; and we took it very seriously because, after all, here we have a Hispanic member before us, and so for us to go against him, it is a hard decision. It was not something that we took lightly. It was important for us to make sure that we gave him every opportunity that we could.

So what we did was we had formed a committee, a task force, of which the gentleman from Texas (Mr. GONZALEZ), the gentleman from California (Mr. BECERRA), and the gentleman from New Jersey (Mr. MENENDEZ) were part of as well as the rest of the delegation. In that we looked at various criteria, and I want to take this opportunity to review that criteria that we looked at and the evaluation that we utilized.

One of those areas that we looked at in terms of evaluating Mr. Estrada's performance was in the commitment to equal justice for Latinos. As we looked at that commitment in terms of equal justice for Latinos, we asked questions that revolved around the issue of past history to see if he had some sense of history of our Hispanic struggle in this country for justice. We inquired about certain cases. What we gathered is no record, and the response in that category was no record. There was no way. There was no information. So the only thing we could gather from Mr. Estrada is that at least in this country he has had no commitment to our Hispanic community in this country. He has had no contact with our community in this country. He has been involved with no organization of Hispanics in this country, and he either failed to respond to us or has not had any contact whatsoever. So on the issue of commitment to equal justice for Latinos, we had to indicate no record, and we have it listed as indicating no record.

On the commitment to protecting Latinos' interests in the courts, we asked him in terms of the importance of the role of a judge if he was being looked at as the administration has portrayed as a Latino candidate to one of the highest courts, second to the Supreme Court. We wanted to make sure that we would have a person that would have an understanding of what it means to be Latino in this country; and as I recall, the gentleman from New Jersey (Mr. MENENDEZ) talked about the importance of judges having a clear understanding. And he mentioned a particular case of a particular court where the judge kept insisting

that the client, in this case a Hispanic, look at the judge. And finally the attorney at that point told him it is due respect to a person of authority that sometimes Hispanics would not necessarily look one straight in the eyes because it means defiance instead of respect versus what the judge was looking at; and yet in that category of commitment to protecting Latinos' interests in the courts, we found Miguel Estrada failing in that category.

On the third category that we had in terms of support for Congress's right to pass civil rights laws, there is no record and no response. We asked him in terms of the history some of the cases that have been important for the Hispanic community in this effort, for example, the Plyler case out of Rhode Island where it gave the Hispanic immigrants the opportunity to go to public schools. We asked him about, as I mentioned earlier, the Lau v. Nichols decision regarding bilingual education, and in those he either had no knowledge of those cases and/or he chose not to respond. So we had to indicate no record on behalf of Mr. Estrada.

On the forth category where it talked about support for individuals' access to the courts, there we talked about in past history in terms of his support, what has he done to try to help people to come forward and move forward, Latinos, if he had provided any kind of assistance in that area, any kind of internships or any kind of effort. It was very unclear in terms of any of his comments.

On the fifth category, the support for Latino organizations or causes through pro bono legal expertise, we asked him if he ever provided any kind of help or assistance or if he ever volunteered in any way to help clients. The response was no. So we had to give him a failing grade in that category. When we asked him support for Latino organizations or causes through volunteerism and we went a little bit beyond the other one in terms of pro bono, any kind of volunteerism, still no form of volunteer efforts. We had to give him a failing grade. When we asked him for support for Latino law students or young legal professionals through mentoring or any internship programs and we went a little more in-depth in that area, again we found that Mr. Miguel Estrada failed in that category.

And, finally, on the commitment to increase Latino access to clerkships once on the bench, there was no response and very little history in the past, and he failed. We went a little bit beyond that also in some discussions on specifics about other writings that he might have done; and when it comes to Miguel Estrada, we know very little about this candidate. Here is a person that we are scheduled to nominate to the second highest court of this Nation, and yet he has never been a judge, a municipal judge, never been a district judge, never been any form of a judge; and yet we have him before us.

So we question the rationale and the approach. I am sure that when he went before the administration that he responded to the questions that the administration posed before him; and if nothing else, we would ask Miguel Estrada that he would respond maybe to those same questions the administration had posed to him, but that has not happened. There is no opinion on any Supreme Court case that we could gather from him.

There is a list of questions that we have gotten that he has failed to respond to; and it is a series of questions both in committee and the Senate and from us, and when he was asked, Do you have any opinion on the Rowe v. Wade decision and do you believe that Rowe was correctly decided?, no response whatsoever at all to that specific question. When he was asked specifically on questions that most Members are asked, and that is regarding, for example, a very simple question that is usually brought up to Members is the basic question of Which three cases do you think have been very important cases in this country or that you are supportive of and which three cases do you disagree with?, he has failed to respond.

I am not an attorney, but I know I would have picked up a couple of them, if nothing else, those cases that discriminate against African Americans, the Plessy v. Ferguson case, and all those cases that discriminated; and I would presume that it would have been easy for him to be able to pick some of these cases, at least outline and say that they were unjust, even if it was at that time, and that they needed to be corrected; but he chose not to respond.

So the only thing I can gather is that here is a nominee who I think has been misguided by the administration maybe not to say anything and assume that because he was Hispanic and that if anyone went against him or decided to go against him, they were going to label him anti-Hispanic. As the Hispanic Caucus in this country, we have an obligation and a responsibility, and one of those responsibilities is to make sure that we have good nominees; and whether he is Hispanic or not Hispanic, I think it is important that they need to respond to the questions that are before them.

So it becomes really important that we look at these nominees in a very careful way, and I have to admit it was not an easy decision, but it was a unanimous decision on behalf of the 20 congressional Members that are Hispanic, the Hispanic Congressional Caucus; and all of us felt that he did not deserve the nomination, and he does not deserve to be a Federal judge unless he chooses to answer the questions that are before him like everyone else. Because he is Hispanic, that does not make him qualified; and because he is Hispanic, that does not give him any special treatment. We expect him to answer the questions like anyone else.

So we also want to take this opportunity to thank LULAC of California, the State LULAC that has gone in favor of not accepting the nomination. We want to personally also take this opportunity to ask and thank MALDEF, Mexican American Legal Defense and Education Fund, that has come forward on this issue and has taken a pretty good stand on that.

And with me tonight also is a Congresswoman out of California; and before I ask her to say a few words, I want to also indicate that I am really pleased that today we had Linda Chavez-Thompson with the AFL–CIO and a lot of the unions that are also concerned with the nomination of Miguel Estrada come forward in a press conference against the nomination of Miguel Estrada.

□ 1545

I wanted to thank those groups that were before us, and I also want to thank some of the past presidents of LULAC that have gone against the nomination of Miguel Estrada, in addition to various other Members of the legal profession.

We have the gentlewoman from California (Ms. SOLIS) here, and I want to ask her to join me in dialoguing a little bit and personally thank her for the efforts she has taken in this area. And I want to ask her, because I know we as a caucus took it very seriously, and we know after we decided to go after and not to accept the nomination of Miguel Estrada, it was not an easy decision for us as Latinos in this country, because we are there to push and get as many Latinos as we can into the courts, but we want to make sure that they are also responsive, because they are appointed for life, and that they are also qualified as we move forward, and not having the responses, not having the comments and not answering the questions is not meeting that particular objective.

Ms. SOLIS. Mr. Speaker, I appreciate this opportunity to be here tonight also to speak on behalf of this very important issue that I am also lending my support to not go with the nomination that has been put forward by the President, and that is Mr. Estrada. The reason I say that is because as someone who grew up in a humble community, whose parents immigrated to this country over 50 years ago to strive for opportunities for their children, they taught me some very valued principles. Those very valued principles are to be a part of the community, to value and support your traditions and to always remember where you came from. Remembering where you came from means that you do not ignore your ancestry and who you are.

One of the questions that was posed to Mr. Estrada when he came to visit with us as Hispanic Caucus members were interviewing him, he made it very clear that it was irrelevant to be associated as a Hispanic, that he felt very proud because of his qualifications, and that he did not want to be considered for this position because he was Hispanic. No doubt, that is an issue that

many people will look at very seriously.

But one of the criteria that I think we take to heart very seriously is not only that an individual who comes forward to us seeking our support from our caucus, 20 members, if I am correct, it is very important for them to outline what they believe what their intentions are.

It is just like a job interview. If I were an employer and an prospective employee comes to me and asks me to give them a job, I certainly want them to answer very important questions, like where they stand on very important issues that as an employer I need to know. This gentleman did not answer those questions for us appropriately, and my understanding is he did not do that as well with the other House.

My concern is that I am being somehow evaluated because I am viewed as being non-Hispanic or un-American because I refuse to support someone who is of Hispanic ancestry, but yet does not believe, in my opinion, in the principles that I and other members of the Hispanic Caucus espouse, and that is communities, that is tradition and values, to support members of our community, but to give back, to demonstrate a willingness to give back. And we have not seen any of those points at least reflected in any information that we have received from Mr. Estrada.

I want to say that the Hispanic Caucus has, on occasion, supported Republican nominees, and we have done that with the full enforcement of our caucus. In fact, two nominees that came before us, Republican Hispanics, were Jose Martinez of Florida and Jose Luis Linarez of New Jersey. They were supported by the Hispanic Caucus proudly and were able to reflect on their background and the things they have done to give back to the communities. Those are noble things to talk about. We did not hear that from Mr. Estrada.

One of the things I am concerned about, too, is there are some accusations we do not have the support of other Hispanic members or traditional organizations out there in the community. Nothing could be farther from the truth. I would like to just give you an indication of who those individuals and organizations are.

The United Farm Workers of America has come out strongly against the nomination of Miguel Estrada; 15 past presidents of the Hispanic Bar Association, which many of us are affiliated with; the United States Hispanic Leadership Institute; the Southwest Voter Registration and Education Project; the Labor Council for Latin American Advancement, known as LCLAA, one of the largest union representative groups in the country; the California Chapter of the League of United Latin American Citizens. In fact, my own chapter came out opposing this nomination. We received a letter a few days ago from Rosemary Lopez.

Mr. Estrada is opposed by the Farm Labor Organizing Committee; the Farmworker Association of Florida; La Raza Lawyers Association of California; the Mexican American Legal Defense and Education Fund; the Puerto Rican Legal Defense and Educational Fund; the National Farm Workers Ministry; the National Latino Institute for Reproductive Health; and the Willie C. Velasquez Institute. These groups all oppose the nomination of Miguel Estrada.

I would ask people when they consider what position we took as a caucus, that they recognize what we had to go through. This is a very elaborate process that we took into consideration. We take very, very seriously the decisions that we make.

I can tell you today that I am still not convinced that this is the best nominee to represent us, who be there for a lifetime appointment, and then possibly move on to a higher position.

I have some serious questions. If I were an employer and the prospective employee did not respond to any questions I asked, I would say that person may not be the best qualified for that position.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentlewoman, and want to take this opportunity to also indicate that as a caucus we have stuck strong, all 20 of us, and, once again, it does not happen that often, but we did and we continue to be in opposition to the nomination of Miguel Estrada.

OPPOSING THE NOMINATION OF MIQUEL ESTRADA

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. GONZALEZ) is recognized for the balance of the minority leader's hour, 32 minutes.

Mr. GONZALEZ. Mr. Speaker, it is a great honor again to appear before the House on this most important and weighty topic.

The nomination of Mr. Estrada means a great deal to all Americans, but especially to the minority communities. The President should be commended and applauded for seeking diversity in all departments, agencies and branches of government. To the extent that he actually accomplishes that is the true question that lies before us in the Miguel Estrada nomination.

I want to start off with, I guess, my understanding of how Federal judges gain their positions, which in many ways are the most powerful positions held by any public official. To start with, it is a lifetime appointment. There is no election, there is no review. That individual, once appointed, will remain there for an indefinite period of time.

Constitutionally, the President of the United States does have the authority, the duty and the responsibility to nominate individuals to the Federal bench, all the way up to the Supreme Court of the United States. Constitutionally, though, that nomination, not the appointment, but the nomination itself, because there is never an appointment actually until the Senate acts, and that other body under the Constitution of the United States has the power to advise and consent, without which the nomination would not proceed to the appointment and finalization.

The scheme of things and the brilliance of our Founding Fathers as reflected in this document is all part of a checks and balances scheme. That is, we have three equal branches of government. We have the legislative branch, obviously, the executive branch and the judicial branch.

Many will argue which is the most powerful of all those branches. My own opinion is that it is the judicial branch. The reason I say that is, in the final analysis, they actually interpret the laws that we pass in this Chamber. They actually interpret the laws that we pass in this Congress, and they apply the law.

So the very will of the people as expressed through their elected representatives could be frustrated by a judicial branch that did not give life and meaning and substance to what we do in the legislative branch. The executive branch proposes, obviously, and leads in great measure, and then we obviously will legislate. But none of it will ever bear fruit without the judicial branch.

It is one of the most important duties that the legislative branch has as part of the checks and balances system to review these nominees. My colleague from California, I think, put it very well, it is a job interview. It a little more sophisticated. There is pomp and circumstance, it is ceremonial in nature, but that particular hearing really is a job interview. The advise and consent function is a job interview, no more and no less. Important, yes.

There is an individual who, for whatever reason, seeks this nomination and appointment. It seems only fair that those qualifications of that individual will be subject to scrutiny. So we will have a formal hearing in the other Chamber.

It is so important that anyone appearing in this process that will subject himself or herself to that process be forthcoming. You ask, well, what is relevant, what would be relevant that one would ask someone who aspires to put on those black robes and interpret and apply the laws of the United States, statutory and constitutional?

You can have a good faith disagreement as to what might be appropriate or not, but we have not had that debate. No one has really said that the questions posed to Miguel Estrada are inappropriate. No one has said that these questions should not be answered. They have not been answered, but no one has said these are not relevant to judging this individual's qualifications to hold this particular

judgeship, which truly is the second most powerful court in the United States of America, second only to the Supreme Court of the United States. We have never gotten to that.

The duty and responsibility of advise and consent has to be done knowledgeably and informed, and that is where we are today. We are at an impasse, because we have certain individuals that are saying we do not have the necessary information in order to fulfill our constitutional duties, and that is what this argument is all about.

I will go into detail, into the questions that the Congressional Hispanic Caucus were able to pose to Mr. Estrada, and I believe we probably got more information than anybody else that has ever interviewed Mr. Estrada for this particular position.

But this job interview, if you are interviewing somebody, the first thing you are going to ask is what do you know about this job that you seek? Is that so unusual? In this case you would say, what is your judicial philosophy. What is your understanding of the workings of the court? What is your understanding of this third branch of government? Is there something so foreign, so inappropriate, so irrelevant, so immaterial to that question? Of course not.

But you would be surprised that we have not really had anything definitive in response to the question of that nature, which I think goes to the very heart of how one views himself or herself in a particular role. But in the bigger picture as a member of a co-equal branch of government, how you view the job, how you view it, but also a historical perspective.

Are we holding a minority to a higher standard or a different standard than anyone else? No. The President of the United States has indicated, and in this particular appointment has made it very clear, that this is important to the Hispanic community and important to the entire United States because it represents diversity. That wonderful word, diversity. But, standing alone, it has no meaning.

□ 1600

Diversity means that an individual brings a particular viewpoint or experience which enriches that particular job, that particular environment, those particular duties and responsibilities. Otherwise, what is diversity all about? We seek diversity because someone brings a different viewpoint or life experience to round out and make more full and complete that environment; in this case, the judicial branch.

This is not to say that a minority nominee had to have suffered through extreme poverty and hardship; has to be completely fluent in a foreign language, Spanish. No, not at all. It does not mean they have to be a Democrat or a Republican, a liberal or a conservative.

What it does mean, though, is that they have an appreciation for the Hispanic or Latino experience in the United States of America and the direct roles that the courts have taken in shaping that experience for the good and for the bad.

Where are we today? History is prologue, and we have to have an appreciation for what the legal system has meant to minorities in this country. No matter how well intentioned a chief executive may have been, no matter how well intentioned a legislature may have been, it has been the courts, in the final analysis, that have really provided the equal rights, the civil rights, the opportunities to minorities in this country of ours. It looms large, larger than it ever has, because we finally are saying that all branches of government should reflect the diversity of this great country. That is all we are asking here.

So it is interesting that when the Congressional Hispanic Caucus interviewed Mr. Estrada that we did ask these questions. We did ask him how he viewed his role as a judge by the fact that he is a Hispanic and was touted as a Hispanic nominee by President Bush. The response was that it would be irrelevant.

To a certain extent, I understand that response. It does not necessarily define one, it should not limit one; but, by the same token, it should not render one irrelevant. What one brings to the table is an appreciation for the roles of the courts in the minority communities. One did not have to experience it oneself. One did not have to be a plaintiff, but surely one understands the landmark cases on which our communities rely day in and day out to make sure that the children in our homes are extended equal opportunity in the schools and for health care, jobs, on and on. That did not happen.

If someone comes in and we are interviewing him for a job, we would think there was a tremendous interest and desire for that job; that somehow they ended up before us because they were seeking it. When we asked Mr. Estrada about his aspirations and desires, career aspirations, he said he did not seek this position; that they sought him, that the administration sought him out.

Standing alone, that is fine, but it is cumulative in nature. Why did the administration go out on such a search when we have many qualified Hispanics out there who would do anything for this type of nomination, highly qualified people, experienced, with judicial experience?

Mr. Estrada does not have any judicial experience; but on that alone I would stand here and tell Members that I do not think it is an asset, but I do not think it should be determinative of whether he would become a Federal judge or not. We have many judges that have had no judicial experience who, seeking appointment, are appointed and confirmed, and have made wonderful jurists.

But it is cumulative, because there is no record there. When an individual is not forthcoming in responding to questions that are posed that are relevant and material, and there is no record, no judicial decisions and so on, what do we have?

We do have memoranda that were prepared by this particular nominee, but they are not going to be released for review by Members of the other Chamber. There is not enough information at this point for them to truly, responsibly, and on an informed basis fulfill their duty of advise and consent.

But the specific questions we did ask Mr. Estrada, I think, are very telling. There should be some understanding of that great body of law that has impacted minorities more so than anyone else. That was not present. There has to be an appreciation for the legal difficulties that minorities still face in this country, because that is a fact. It is a sad fact, but one that we address day in and day out in our courtrooms. That was not present.

Based on that interview of over an hour, the Congressional Hispanic Caucus unanimously wrote to the committee in the other Chamber saying that we would oppose Mr. Estrada's nomination to the circuit Court of Appeals for the District of Columbia. We feel more strongly today than we did then. That was back in June and July of last year. There has been no new information that addresses any of the concerns of the caucus; and we do represent the minority communities, Latino minority communities, in this country. The caucus is comprised of 20 of the 24 Latino Members of this House.

Why should we know an individual's philosophy and understanding as it relates to the third branch of government, the judicial branch? It is not complicated. All judges take an oath that they will uphold the Constitution of the United States and such. All judges will say they will be fair and impartial. All judges say they will strictly interpret the Constitution and the statutes, and follow the common law to the extent that it has been codified one way or the other. That is nothing new. They all say that.

But the truth of the matter is that judges are human beings. They are the sum total of their life experiences and their education. When they discuss that judicial philosophy, we learn a great deal. We are not asking them how they will rule on a case, because that would be truly improper.

Felix Frankfurter said this: ''Law touches every concern of man. Nothing that is human is alien to it.'' Judges have tremendous power. They have tremendous discretion. They have powers of logic and rationale, deductive reasoning, and interpretation and application of the law. If it was a simple matter of opening the law book or reading the case and reaching a conclusion, then we would have machines simply judging all cases; but there is discretion, and there are varying degrees of interpretation and application.

The President of the United States today enjoys that office as a result of a

five to four Supreme Court decision. If the law was so simple and the facts were so clear, how could we have five to four decisions? Because there is discretion, because there are different philosophies and views.

What we are hoping is that a judge will keep an open mind on an issue. That is what we seek in this particular nomination. Remember, and I will say it again, as Justice Frankfurter once said, ''Law touches every concern of man. Nothing that is human is alien to it.'' The judge is human, and what he does touches every activity of our lives.

The Circuit Court of Appeals for the District of Columbia is a lightning rod. It will hear cases that will resonate and affect individuals throughout the United States, more so than any other circuit court, if Members understand the scheme of the circuit courts, because jurisdictionally, venue will lie with them when it comes to major decisions regarding governmental policy, the execution and implementation by the regulatory agencies, the departments of our government. This is a most important nomination and appointment process, and we must not fail to fulfill our duties. That is what this debate is all about. Some have cast it in some terrible terms.

When I was first elected and I was there with some of my fellow freshmen in the back, we all in our previous lives had been lawyers. I had been a State district judge, and we had a former district attorney and another prosecutor. We were talking about what a great honor it is to serve in the legislative branch, but we were wondering which of the three branches of government was the most powerful.

I was outnumbered. My dear colleague, the gentleman from Oregon, and my dear colleague, the gentleman from Kansas, pointed simply to the fact that this House appropriates. We hold those strings to that money bag; and if we wanted to, we could simply starve another branch of government, if we wanted to.

That is not exactly true, by the way. When it comes to the courts, there is something referred to as the ''inherent power of the courts.'' It is understood that, by mandate and fiat, a court can order what it takes for it to survive. I am not sure on the Federal level, because we ran into this on the State level, whenever we had commissioners or legislators on the State level and county level that would not fund the courts properly for many reasons. The inherent power of the court is that it will not depend financially on another branch of government for its existence. So I was telling them, take that argument away.

Let us go to the next one. I earlier touched on that. It does not matter what the President may propose in his agenda, it does not matter what we adopt in the House or in the Senate, if it is well intended and it reflects the will of the people, because we were properly elected; but it will be an appointed individual who will breathe life into our legislation, that will interpret it and will apply it, who will decide whether what we have done in this Chamber is constitutional or unconstitutional.

They will pass judgment on the legitimacy of our actions in this body. As a matter of fact, they will also determine whether someone will sit in this body. They will determine how our districts are configured. They will determine who is eligible to vote. They will even determine who has won an election.

I still like to think that I won that debate; but if we ask my colleagues, I believe they still believe that the strongest and most powerful branch of government remains the legislative. I do not share that. We could be stopped in our tracks today by a ruling from a Federal court. We could be stopped in our tracks today by a ruling from the Supreme Court of the United States.

That is as it should be. This Nation is really about the rule of law and not of man. We have heard that often. What do we mean by that? Let us harken back to December of 2000, when the Supreme Court ruled, based on Florida statute and the Constitution of the United States of America, that the winner in essence would be George Bush and that he would ascend to the Presidency.

If that does not demonstrate what power the courts have in this country, I have no idea what would be a better example.

But that is the issue before us today. That is why our Founding Fathers, in the scheme of our constitutional system, said we cannot let one branch really dictate how the other is going to be composed. Should we have the executive branch independently determine what a third branch of government will look like, the judicial branch? The answer was no. We will bring in the legislative branch, one of the chambers, to advise and consent. Checks and balances. It has served us well. It has served us well when the nominees are forthcoming in answering questions that are relevant and material to their performance. That is the argument today. That is how we are framing this debate, unlike many others out there.

I want to end this as far as describing what is going on and what is really at stake. This is not an attack, this is not a criticism, of an individual's integrity or character; that is not the issue. It is a given that anyone nominated by the President of the United States to a Federal bench is a man or woman of integrity and character. It is a given that anyone nominated to the Federal bench by the President of the United States has had a good education, got out of law school, passed the bar, and distinguished himself or herself in private practice or in Federal service or State or county service.

Those are givens. Let us expect that. The people expect that. We have the best and the brightest available, so let us take them.

But where we start drawing that line, just because you are bright, you graduated from law school, passed the bar and such, and you were successful in your profession does not mean that you will make a good judge. I guarantee Members, talk to any practitioner out there. There is judicial temperament, there is understanding of the role, there is relevancy, there is history, all combined.

□ 1615

And that is where we find ourselves today with this particular debate and it is a legitimate one. And we should be taking the high road rather than casting aspersions as certain individuals have. Let us not politicize this. Let us all meet the challenge of our responsibilities and duties under the Constitution. That is what we should be doing.

There should not be one nominee for any bench, whether it is a municipal court, a county court, a district court or any State court, or on the Federal level, that does not understand what I am about to read. There is a wonderful book ''The Fixer'' by Bernard Malamud. It takes place in Russia. And we have an individual who was of the Jewish faith, who is basically a handy plan. He is a fixer. He fixes all these things. He ventures out of his small town to strike out on a new adventure to improve his life, and he is wrongly accused of a crime, and he is imprisoned with no hope, no hope that he is going to get any fair treatment.

The state actually investigates you and the chances that the state is going to be impartial and fair are barely nil, but there is this investigator person who takes a great interest in the life of this man and wants to exonerate him because he is truly innocent, and this man does not understand why someone would take such an interest in his life. And this is what this government official investigator, prosecutor, whatever you want to call him. This is what he tells that prisoner behind those bars:

''There is so much to be done that demands the full capacities of our hearts and souls, but truly where shall we begin? Perhaps I will begin with you. Keep in mind that if your life is without value so is mine. If the law does not protect you, it will not, in the end, protect me. Therefore, I dare not fail you. And that is what causes me anxiety, that I must not fail you.''

This is what this nomination is all about. Individuals that will be nominated to courts, such as the Circuit Court of Appeals for the District of Columbia, need to understand the essence of this quote, the essence of this lesson here, and that is that the world is much bigger than all of us, but still part of us, and that our individual experience is brought to bear every day and that we should have some sort of understanding of the leadership of our role when we put those black robes on, the experience of individuals that come before us, especially minorities. For if

you protect and understand the rights of the minority, the majority will always be well served.

FAIRNESS TO MIGUEL ESTRADA AND TO ARMED FORCES

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Madam Speaker, it is great to be here. And I am always so proud to have an opportunity to come down on the floor of the United States Congress and have an opportunity to debate topics of the day, and I do so with great respect to anybody who has the opposing view.

Madam Speaker, I notice my friend, the gentleman from California (Mr. CUNNINGHAM) is here. Maybe he is going to join in. He is going to be talking about aviators later on.

I do want to say a few comments on a number of topics. One of the things I want to talk about this Miguel Estrada nomination is, I think, it is ironic that here we are, we have the guy who has been rated was one of the most highly qualified by the American lawyers, by the American Bar Association. Here is a guy who graduated from Harvard magna cum laude, editor of the Law Review. He has argued 15 cases before the Supreme Court, and yet our Democrat colleagues and liberal colleagues are so offended by his success that they are holding him up in the face of war, troops overseas, national security, and economy that is in the tank.

How absurd is it, Madam Speaker? I wanted to give you this. The liberal Democrats over in the Senate have objected and we want to give you some hours, 6 hours of debate was not enough. That was on February 6. So they went to 8 hours.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members to avoid improper references to the Senate.

Mr. KINGSTON. Madam Speaker, liberal Democrats did not want to debate it for 10 hours so they went to 12 hours. That was not enough. So the next day on February 11 they went to 6 hours. It was not enough. They went to 14, then 24 hours, then 44 hours, and then on the 12th 6 hours.

PARLIAMENTARY INQUIRY

Mr. KINGSTON. Madam Speaker, I am not allowed to say U.S. Senate?

The SPEAKER pro tempore. The gentleman may refer to the existence of the Senate, but may not characterize Senate action or inaction.

Mr. KINGSTON. So you have this other body and they have already spent 85 hours debating a guy who the American Bar Association has rated as one of the most highly qualified. He has worked under the Clinton administration. He has worked under, I think, even the Carter administration. This guy came to America when he was 17 years old. He was raised in Honduras, did not speak any English. He graduates from Harvard. He is a distinguished lawyer by anybody's measure. And the only thing the Democrats want to do is debate him. Bush wants to put in his own team. We have a war going, but this is the number one issue now for the liberal Democrats.

Madam Speaker, I yield to my friend from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Madam Speaker, I thank the gentleman for yielding.

I have got better things to do than stay up at night and watch C–SPAN. But I was captivated. I watched the gentleman from the other body debate this issue. The other body Democrats stood up and said, well, he never answered the questions. The gentleman from Ohio who was not even at the meeting, he was there for a few minutes and left, did submit questions at the end, said he never answered the questions. The Chairman of the Judiciary in the other body stood up and read every single one of the questions that the Democrats asked for.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman may not refer to individual Senators.

Mr. CUNNINGHAM. I did not think I did.

Anyway, someone over there asked for every question. And every response that Mr. Estrada gave was presented. They were A-plus answers. And now my colleagues on the other side, I just asked the gentleman, I said, did you invite any outside people within this caucus to listen to Mr. Estrada? Of course not. The answer is no.

The memo to the other body was written before the caucus meeting ever took place.

We are watching the same thing as we did in the Clinton, what is the word I am looking for?

Mr. KINGSTON. Investigation.

Mr. CUNNINGHAM. Investigation. We are watching them gang up. They are being good little soldiers, supporters, the other body.

Every paper, The San Diego Union, The San Francisco Chronicle, The Washington Post, The Washington Times editorializes against their position. They have drawn a line in the sand against someone that may be a little more conservative than they are.

Mr. KINGSTON. It is ridiculous, though, because as I understand it, most Hispanic and Latino national organizations have endorsed Estrada. And yet our friend from Florida (Mr. MARIO DIAZ-BALART) says, Well, his big problem is he is not Hispanic enough.

Now this is from a guy who is raised in Honduras, but he is not Hispanic enough for the liberals. As the gentleman also said, they do not even know how to speak Spanish themselves but they are telling somebody else that he is not Hispanic enough.

The reality is, this is a very strong guy but they cannot stand the fact that there might be a minority group getting off the plantation. And that is the reality of it. It is a sad, sick commentary.

Mr. CUNNINGHAM. It is very sad.

Watching C–SPAN, I watch the other side in the other body point by point come out and accuse Republicans. And every single point was countered by the chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds the gentleman not to characterize Senate action.

Mr. KINGSTON. I guess the problem though really is what is his crime? The crime is he is Hispanic and in the liberal welfare support society out there, if you are a minority group in America, you are supposed to think and act in a certain way, and if you do not, by golly, look what happens.

My friend, Clarence Thomas from Sandfly, Georgia, he went through the same living hell and personal accusations and everything else because he was an African American and did not believe in everything that he was told he was supposed to believe in. His problem was he was an independent thinker. And I guess Estrada is an independent thinker who does not look to liberal institutions to tell him how he is supposed to think and behave and that is what this is about.

Mr. CUNNINGHAM. I think it is very telling that most of the other Hispanic associations are endorsing this individual, but our House caucus is opposing it. Why?

The gentleman over there a minute ago mentioned that memoranda was not available. Well, again, the other body presented all of the facts that none of the confidential memoranda, not once in the history of confidential memoranda had ever been released. Well, the Democrats in the other body came forward and said, well, here is a case in this and here is a case where it was released in these individuals. Again, in the other body's side they pointed out that none of this memoranda was confidential. And so for my Democratic colleagues over here in their partisan bid to support the other body, it is just wrong when the rest of the world is saying you are wrong. At least let them vote.

And something else that the other body pointed out was that they opposed at different times Hispanic candidates. That is fair. But at least let it come to a vote. The two that they opposed are now sitting on the Ninth Circuit Court in California because they allowed a vote. What my colleagues are doing by filibustering is preventing totally a vote on this issue which has never been done in the history of Congress.

Mr. KINGSTON. And I agree with the gentleman. By golly, vote yes, vote no, but have the guts enough to vote. Do not hide behind parliamentary procedures.

One of the charges against Mr. Estrada is that he does not have judicial experience, and yet I believe there

are eight judges on this court, and 5 of them did not have it. And incidentally, many of those came through some of these same liberals who are opposing him now and they voted to support these folks. On the Supreme Court, we have Byron Wright, and we have the Chief Justice Rehnquist, who did not have judicial experience.

But we know how it is, if you oppose something you can come up with any reason you want.

I wanted to jump into something because I think it is very important for the President, whoever it is, to be able to get his own team in place and try to get some good people on the judicial benches, but we have a war going on. Very serious issues in front of us.

The gentleman here is a former top gun. He was the inspiration for the movie Top Gun. He has been out there on the frontline. He is a great advocate for the military.

I am wearing, I do not know if the gentleman can see it from where he is standing, a Third Infantry Division patch which was given to me by the wives who have been left behind in Hinesville, in Savannah and coastal Georgia.

Mr. CUNNINGHAM. Are these Army guys? I am a Navy guy.

Mr. KINGSTON. I know the gentleman is a Navy guy, but right now there is just not that much water in Iraq.

We have from Fort Stewart alone, nearly 18,000 troops who are deployed. Lots of mothers, some fathers, and lots of children left behind while these troops are gone. We in the House are passing an important tax relief bill tomorrow to give them a little breathing room, and I wanted to ask the gentleman as a guy who has been out there, who had to leave behind, this bill that we are going to pass gives them some capital gains tax relief, gives them a death gratuity tax relief, some dependent care tax relief.

Basically it gives the soldiers just a little more wiggle room and a few more tax benefits while they are out there fighting for our freedom. And I do not really want to ask the gentleman about the technical part of the tax bill which, of course, he is welcome to speak on; but as a man in uniform, tell me what this means to you out there on the front line? Is this important at all or does this send a signal? What is your feeling?

□ 1630

Mr. CUNNINGHAM. Mr. Speaker, first of all, it is important when a person is gone, either men or women, from their families, knowing that their families are taken care of is very, very important; knowing that the financial burdens are taken care of; that their children are able to go to school and get a good education or, in the case something I oppose what the President is doing is reducing impact aid, which I think is wrong, and we are going to rectify that in this body.

But they want to know that everything is okay back home. I cannot tell my colleague how stressful it is for a sailor on an aircraft carrier to learn that his wife has gone into indebtedness or has problems with the children; and he cannot be there to take care of them, and tax relief for families, especially in the military that are forced to uproot every 2 years, that cannot make an investment, that have to take their children out of schools and put them into a new school or the spouse cannot get a job because an employer will not hire her if she is only there for a short time. This kind of tax relief helps put money in their pockets to resolve some of these issues.

Mr. KINGSTON. So there is a practical side to it and a moral side. It is a pat on the back saying we cannot be there.

Mr. CUNNINGHAM. And a heartfelt side.

Mr. KINGSTON. But we really appreciate what they are doing.

I think it is so important for these wives and the families in my area, and I know in California that the gentleman has lots who are deployed, same thing.

Mr. Speaker, switching gears slightly, I always pick up the paper here, and one would think that it is the United States and Tony Blair, not the United States and Great Britain, but just Tony Blair, oh, and Jack Straw; but one would think it is just a couple of us out there fighting Saddam Hussein.

Here is a list of countries: Albania, Angola, Australia, Bahrain, Britain, Bulgaria, Cameroon, Chile, Croatia, Czech Republic, Denmark, Estonia, Guinea, Hungary, Ireland, Israel, Italy, Japan, Kuwait, Lithuania, Macedonia, Oman, Poland, Portugal, Saudi Arabia, Slovakia, Slovenia, Spain, Turkey, United Arab Emirates, Uzbekistan, and Yemen who have all expressed support of the Bush policies towards Iraq.

Why is that not in the paper? And in my colleague's opinion, is it important for us to wait out the U.N.? I think we are on number 17 in terms of resolutions now. Keep in mind, the very first resolution going back to April 1991 called for disarmament within 90 days; and it did not say, and we are having to come prove the case against you, it says you have got to show us that you have disarmed. What is the gentleman's view?

Mr. CUNNINGHAM. Well, if my colleague takes a look at the number of people at coalitions that are supporting the President, it is overwhelming. I think we also need to realize that many of the Middle East nations that are actually helping us, that helped us catch KSM just this week, they are helping us: Indonesia, Egypt, Saudi Arabia. These countries have been sterling.

Yes, there is an issue with bases, but remember that these nations live at the back door of Saddam Hussein. Let us say that we did not go into Iraq and allowed Saddam Hussein to persevere once again. Can the gentleman imagine the risk that that puts these Arab nations in by coming out ahead of time? And I will tell my colleague that these nations will be with us when we go into Iraq, either to disarm Saddam Hussein or he disarms himself.

Two real quick issues I think are important and I thank the gentleman for yielding. One critic says that let us look at the cost that it would cost. 9–11 cost New York $200 billion, another $83 billion in lost revenue while we were rebuilding New York. Look across the Nation. Look at the services. Look at the travel industry. Look at the airline industry. Look at the hotels and think about the devastation of our economy and how that hurt. So the cost of going in there is going to be far less than when al Qaeda hits the United States again.

The second complaint they say, well, look at the innocent Iraqis that are going to be hurt. First of all, we will not target innocent Iraqis. There will be collateral damage, as in any conflict; but they will not be targeted, and I would go back from the time that Saddam Hussein was the XO, the executive officer per se, the president stepped down. He called an emergency session of his Congress. He had a witness stand up at a mike like this one and call off 250 names. They were marched out and shot that day. Think of the thousands of Kurds that he has killed. Think of the Shiites that he has killed and his own people that will be killed if we do not go in there.

We will hurt less people in this conflict than Saddam Hussein will in the future. We are not going in there to annex Iraq. Look at Afghanistan, what we have done in there. We did not go in to invade it. We went in to free the people, and this is what we are going into Iraq for.

Mr. KINGSTON. That is interesting that the gentleman raises that point. Having been to Afghanistan, I went over there a year ago and met with Mr. Karzai and folks from the Northern Alliance who were starting to form this new government. If there was ever a country that would have welcomed American colonization, it would have been Afghanistan. If that is what we were after, we could have done that; and we would not have to wait until this time.

I am glad the gentleman mentioned, though, the hatred and the madness of Saddam Hussein. I am an Episcopalian, and every Sunday my minister Bart Robertson gives an admonishment to us, Make no peace with oppression. Why Americans would want to make peace with oppression is beyond me, but I wanted to read some things to the gentleman that he has kind of already mentioned.

Between 1983 and 1988, Saddam Hussein murdered more than 30,000 Iraqi citizens with mustard gas and nerve agents. Human rights organizations have continually received reports from women who say that rape is routinely

used by Iraqi officials for the purposes of torture, intimidation, and blackmail.

In 2000, Iraqi authorities introduced tongue amputation as punishment for persons who criticize Saddam Hussein.

Human Rights Watch and Amnesty International estimates that Iraq has between 70- and 150,000 people who are unaccounted for. That is the most of any nation in the entire world.

The mass executions are a choice of Saddam Hussein. Since 1997, it is estimated that 3,000 people have been killed in Saddam Hussein's various cleansing methods. In February 1998, 400 prisoners were executed. Two months later, 100 detainees in another prison were buried alive in a pit; and since September 11, Saddam Hussein has expelled six U.N. humanitarian relief workers without explanation.

That is the kind of guy we are dealing with; and what is really sad, if France and Germany and the blame-America-first crowd here win and America backs down because Saddam Hussein has been perceived as backing us down, none of us will be safe from terrorism.

Mr. CUNNINGHAM. Mr. Speaker, would the gentleman yield?

Mr. KINGSTON. Absolutely.

Mr. CUNNINGHAM. Mr. Speaker, I think it is important for the people to understand France. In France the conservative party is in the minority. The Socialists took over. They have joined with the Communist Party to have a majority. So the French parliament is a Socialist-Communist coalition. That is like having a Socialist on the other side here stand up and offer our position nationally.

Secondly, Chirac wants the United States out of NATO. He wants to be the leading power in Europe; and to do that, he puts down NATO and wants the United States out of there and builds up the EU. That is critical.

Thirdly, the French have been the whoremongers of the weapons market around the world. When I trained at Navy Fighters Weapons School, Top Gun, every nation we potentially stood to fight was carrying Matra Magic 550s and French missiles. We would have had to fight those, and if my colleague takes a look at what the French are doing with Iraq economically, I think they are afraid that we are going to find out exactly that they are supplying Iraq with chemicals, with weapons, with different things.

Mr. KINGSTON. Let me ask the gentleman from California, in California, they have some very good wines, and in Georgia we have Chateau Elan, which is also a good wine, and of course, there are a lot of wines.

Mr. CUNNINGHAM. Mr. Speaker, I took the Grey Poupon out of my cupboard, and I do not think, what is the vodka that they have? Not Absolute. But there is a vodka. Anyway, I have asked our people to do away with it.

Mr. KINGSTON. Well, the gentleman might want to look it up on the Internet. At fromage, which is the French word for cheese, F-R-O-M-A-G-E, .com, it is a French cheese distributor, and they are down 15 percent. I recommend to everybody, look up fromage.com, see what their products are and continue the boycott.

I think we should also boycott the Paris air show. I think we should discontinue drinking their wine and champagnes and anything else; and, hey, I am not even anti-French.

Mr. CUNNINGHAM. It is called Grey Goose vodka.

Would the gentleman yield for one other point on that?

Mr. KINGSTON. Yes.

Mr. CUNNINGHAM. Many of the people say, well, it is a fight for oil, blood for oil. I have recommended to the President that after Saddam Hussein is removed and we have a democratic regime in Iraq, let the Iraqi people keep the oil. Let them have 100 percent control; but for those nations that helped liberate it, let them for a time sell those nations oil at a reduced price, not to make a profit but just to help the economy so it is not affected like Turkey and the United States and the coalition. But I want to tell my colleague, there is going to be a penalty for France, Germany, and Russia. We will still have diplomatic relations. We will still try to have good relations with them, but those nations that choose not to join in liberating Iraq, I personally believe there ought to be some dire consequences.

Mr. KINGSTON. Mr. Speaker, I agree and I want to get off France for a minute. France is looking after their own national interests.

Let us talk about oil. That is the country that is making this a war over oil because they are the one with all the sweetheart deals with Iraq for oil supply; but look at our items that we buy that are French, and if we choose so, do not eat them.

Let us talk about Germany. My colleague and I do a lot of work for our military, and in my district we have five military installations. Big fear in Georgia right now, 13 total, is BRAC, base realignment and closure commissions. Do we need a military base in Germany with countries like Bulgaria and the emerging, less affluent countries that are strategically better located anyhow? But they are dying for our business because let me say this. If Moody Air Force Base or Fort Stewart or Robbins get on the BRAC list, people in Georgia are going to be nonstop scurrying around trying to get them off the BRAC list as they did last time, as will happen all over the world, all over the country; but meanwhile, we have got bases in Germany. If that is not 100 percent America's interests, then maybe we ought to move those bases. What does my colleague think?

Mr. CUNNINGHAM. Mr. Speaker, what I would say to the gentleman is I would defer to the Pentagon. There are certain bases around the world that we need to maintain, not just for their security but for our own security as well. If we have to have launching pads for another conflict sometime, we may need those bases; and I would defer those determinations to the Pentagon and to a study that says what do we actually need. But if we do not need it and we are there at the cost of the American taxpayers and not supporting the United States' best interests, then I would go along with the gentleman on it.

Can I make one other point about when the gentleman, the nerve gas and mustard gas? When Saddam Hussein used nerve and mustard gas against these people, it was not just the 30,000 that were killed. There are 10 times that many that have permanent defects. Nerve gas, there are thousands of people, Kurds and Shiites that cannot even walk today because nerve gas affects not only their internal systems, but their children and their children's children will be affected because it affects the chromosomes and the genetic make-up.

So we are not looking at just a small group. We are looking for centuries that these people are going to be affected by the nerve gas that Saddam Hussein released on them.

□ 1645

Mr. KINGSTON. I thank the gentleman for bringing that out, and I also wanted to say that it is important for us, for these soldiers, not just to pass the tax relief for them personally as a soldier in the field. I mean, it is, of course, very important and paramount that we support the war effort, but the other thing we can do for the soldiers is to improve the economy domestically. I am proud that this administration, while fighting the war on the international and domestic front in terms of homeland security, are also trying to turn the economy around and address so many of the critical issues in our economy.

President Bush has proposed a tax bill, which we will be voting on very soon in the House, that reduces some of the tax rates. Now, that has already been approved by this House. It is just that it phases in and phases out in 10 years. We are saying if it was good enough for last year's election purposes, from the liberal standpoint, then let us go ahead and put them on the books permanently.

The Bush plan also stops the double taxation on savings. As the gentleman knows, if you buy a stock and you are paid a dividend from that stock, you pay taxes on it. The corporation has already paid taxes, so you are being taxed twice on your savings. This tax bill stops that. It also gives small businesses an expensing item so that they can buy new equipment and write off about $75,000 of it. Seventy percent of the jobs in America come from small businesses. We have to worry about the small businesses, the small Main Street folks, and this bill does address that.

It also helps those who are unemployed, like my paper mill workers down in Camden County, Georgia, who work for the Durango Paper Mill that closed up. This will give them some unemployment help, but it will also help them create a personal employment account, and that gives them some discretionary money for some of their short-term expenses until they get a job. And once they get a job, they get to pocket the difference. That helps them move down the road. And the ultimate idea also is that it would shorten some of the time period people actually need unemployment. It gives everybody incentive. It is a win-win.

I am excited about this tax plan because I think it is so important, along with ending this conflict in Iraq. It is very important for us to stimulate the economy. And to show the kind of money it would put on the streets, 92 million taxpayers would get $1,083. And this is basically immediately. It has what Steven Friedman, one of the economic advisers to President Bush, calls a near-term lift, an immediate near-term lift. This is not something that is going to happen down the road, but this will have a very positive effect on the economy and job creation. Thirty-four million families would get $1,473. Six million single mothers would get $541, and 13 million seniors $1,384. That is money in their pocket this year, right now.

Mr. CUNNINGHAM. We hear over and over again from the other side that any tax, and I mean no matter what tax relief we have brought up in the 12 years I have been here, the other side talks about it being tax relief for the rich. From $5,000 to $30,000, you get a 20 percent tax relief. Twenty percent. If you earn above $200,000, you only get 11 percent tax relief. So the percentage of who gains the most out of it goes with the lower income. But my colleagues will say it is only for the rich. Why? Mathematically, if you pay $1,000 in taxes, you are not going to get as much money back as someone who pays $10,000 in taxes. You will get more money back, but you have not put that money in there in the first place.

My colleagues like to do that so that their base will think, oh, Republicans are only doing it for the rich. It is just not true.

Mr. KINGSTON. Well, and it really is so fundamental. We have all heard the old expression, why do you rob banks? Because that is where the money is. Why do the people who pay the taxes get tax relief? Because they are the ones paying taxes. It is not that hard.

These are some numbers according to the IRS. The top 1 percent of all income taxpayers pay nearly 37 percent of all taxes. That is the top 1 percent. The top 5 percent pay 56 percent of all taxes, and the top 10 percent pay 67 percent of all income taxes. Then the top 50 percent pay 96 percent. So how are you going to have tax relief without these folks benefiting is beyond me. But then again, I do not subscribe to the fuzzy math some of them had in the last 8 years of the Clinton administration. It is hard to follow these things.

I ran the numbers though as a Georgia representative as to who would these folks be. Well, listen to this: 860,000 Georgians will get some form of tax relief. And 60 percent of those who will benefit from stopping the double taxation on savings make less than $75,000 a year. Eighty percent of Georgia taxpayers, that is 4 out of 5, 80 percent of them earn less than $50,000 and virtually all of them will get some form of tax relief from this plan.

So I am comfortable. When somebody says 80 percent of the taxpayers in Georgia will get some tax relief, I am comfortable. But this is important because I want my families to have that $1,400 in their pocket because they are going to be able to buy more clothes, more shoes, more bookbags, a tutor for a kid, new automobile tires, or whatever. They are not going to be able to go on a junket to the Bahamas, but what is really more important than this is jobs. And this will create jobs for my laid-off paper mill workers down in Camden County; for my folks up in Hinesville, who, because of all the troops being gone, they have had to close up their restaurants and their CD stores. This is a jobs package.

There is nothing more important we can do for those in the military than if we can say, listen, if you decide not to stay in the military, we have a job for you. And if you want, those jobs are available sooner than later. And that is why I am excited about it.

Mr. CUNNINGHAM. Another important point is that people think, well, I will be getting money back. Not so. You just do not have to send it to Washington, D.C. in the first place.

My colleagues on the other side, many of them, believe that Washington can do the job better. Unfortunately, if you look at every department, including the Department of Defense, the Department of Education, INS, all the different departments, there is fraud, waste and abuse. For example, food stamps had over 50 percent in fraud, waste, and abuse.

By not taxing individuals, they never send it here to Washington in the first place. That money stays in their pocket to pay for schools, or they can invest it, say in an education IRA. Say the day you know your child is going to be born, you set aside $2,000 to $4,000 in an education IRA, by the time that child is 16 years of age, if it was $2,000, you might think, well, that is only $32,000. No, because it is compounded, you can use that money for tutoring or for education, or if you have a child who qualifies under the individuals with Disabilities Act, you can use it for special education.

Mr. KINGSTON. Let me say this, too. I am a father of four, and I believe the gentleman has three children.

Mr. CUNNINGHAM. Three children; two daughters and my son was adopted.

Mr. KINGSTON. And I know that the gentleman's daughter had a real high SAT score.

Mr. CUNNINGHAM. Sixteen hundred.

Mr. KINGSTON. Madam Speaker, we need to be sure we get that in the RECORD; that she inherited her mother's brains.

Mr. CUNNINGHAM. Dr. Nancy Cunningham is the Chief of Staff for the Assistant Secretary of Education. She has two masters and she is bilingual in Spanish. So there is no doubt where she got the 1600 from.

Mr. KINGSTON. Let me congratulate the gentleman. But as a middle class guy raising my kids, you fight the day-to-day battles; are they studying their math, are they going to play baseball this spring, are they going to get some game time on one of these teams where the coach only plays his son. So you have these issues with raising kids. But just about every parent I know, lurking in the background every week, every day, is what am I going to do about college? What am I going to do about college?

My daughter Betsy is at the University of Colorado. Out-of-State tuition is about $30,000 a year. And let me say this, if the gentleman comes back to visit me in Savannah, Georgia, I am growing to drive you around in my 1993 Pontiac with 200,000 miles on it. There are no new cars in sight for the Kingston family. And that is pretty doggone typical. These education IRAs are a significant step for the middle class. The parents who know they may or may not have college educations themselves, they know their children are going to be better off and have more job opportunities if they get a college education.

So the 529 plans, the Coverdell Savings Plan, the educational IRAs, all these terms which are kind of confusing if you are not a stockbroker or banker or financial type, the reality is basically they are just savings plans to make sure that your son or daughter has an opportunity for that college education. And that is something worth fighting for, whether you are a Democrat or a Republican. And I do not understand why the liberals are trying to tear down these tools.

Mr. CUNNINGHAM. Well, the gentleman's business people and his workers in Georgia are just like in California.

One of our colleagues at the whip meeting pointed out that the tax laws against business are the worst of all the industrialized nations. The capital gains is the highest of industrialized nations. No other nation has double taxation. Just the United States. And what that does is it makes us not as competitive. We hear about cheap labor a lot, but the labor that we have is taxed so high that the cost of goods makes us not be in the market overseas. So I would like to see capital gains go to zero. I would like to see the double taxation go away.

One of my friends right here tonight, he was looking for an apartment where

I live, and a lady had a single room apartment for sale. She decided not to sell it to our colleague because after she looked, the capital gains she is going to have to pay on selling that are going to far exceed any benefit that she would get. So it also ties up capital and revenue.

Mr. KINGSTON. Well, I am glad the gentleman brought that up because it is amazing how overtaxed our country is. I have a chart that is a little difficult to follow, but what it basically says is that the tax rate remains historically high as a percentage of our gross domestic product. On the average, what it has been is about 18 percent, but right now it is sitting about 22 percent.

So when people say, oh, taxes are about where they need to be. Well, they are higher than they were in 1995. They are higher than they were in 1980. They are higher than they were in the 1960s.

The gentleman and I have been here long enough. We are on the Committee on Appropriations. We do a lot of the spending bills. I have come to the conclusion that my folks back home in Georgia can spend their money better than 435 people up here in Washington, D.C., and so if we do not take their taxes, we are not going to spend it frivolously.

I wanted to, though, also talk to the gentleman about a spending issue that ties into part of our agenda. We started out saying, well, the Senate, our other body, are spending time on judicial nominees who are well qualified and they do not want to approve them, for political reasons, but we are moving on with an agenda on tax relief and supporting our soldiers and also frivolous medical liability.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BISHOP of Utah). The Chair would remind Members that any characterization of the Senate is against the rules of the House.

Mr. KINGSTON. I thank the Speaker.

I want to discuss with the gentleman now, Mr. Speaker, this medical liability issue. And let me say up front that if I am in trouble, I want a lawyer. I want a lawyer on my side. So this really is not aimed at or taking shots at the lawyers. What this is saying is our system has a problem.

In Las Vegas, 30 obstetricians have closed their practice in recent months, leaving the city with 85 obstetricians to deliver 23,000 babies a year because of their malpractice insurance. That is according to the Las Vegas Review Journal, August 29, 2002.

In West Virginia, the parents of a 6-year-old boy were forced to drive 3½ hours to Cincinnati, Ohio, to find a specialist who could remove the pin that the boy had accidentally lodged in his windpipe. And that is from WSAZ-TV in Charleston, West Virginia, September 19, 2002.

Here is something from the South Florida Sun Sentinel, November 4, 2002. Women are facing waiting lists of 4 months before being able to get an appointment for mammograms because at least six mammography centers in South Florida have stopped offering this procedure as a result of increased medical liability insurance premiums.

And then here is one more from the New Jersey Hospital Association, January 28, 2003. In New Jersey, one out of every four hospitals, or 27 percent, has been forced to increase payments to staff emergency departments because physicians are reluctant to provide care in medical malpractice crisis stories because they have greater liability exposure.

The examples go on and on and on. And before I yield to the gentleman from California once again, Mr. Speaker, I want to show him a chart. I know this will not be picked up by the television, but it lists States that are having medical malpractice problems: New Jersey, New York, Ohio, West Virginia, Kentucky, North Carolina, Florida, Georgia, Mississippi, and Arizona.

□ 1700

States that are not having frivolous medical liability problems include Colorado, New Mexico, and the gentleman's own State, California.

Mr. Speaker, I yield to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the law that we are going to debate on tort reform is based on California law which has been very successful. California has been more successful than the other States.

What it does is it protects. It will allow, if we do this nationally, $60 billion to go into our health care centers instead of going to trial lawyers. People will still be represented and protected, but it will allow that money to go into our health care centers.

Another example, I sit on the D.C. subcommittee. Thanks to a Member on the other side, on the D.C. subcommittee we capped trial lawyers' fees for IDEA, Individuals With Disabilities Act. In 2 years we saved $12 million. $12 million, instead of going to trial lawyers, goes to children with disabilities.

Mr. KINGSTON. Why do children with disabilities have trial lawyers?

Mr. CUNNINGHAM. Mr. Speaker, the Individuals with Disabilities Act has done a lot of good. Parents think that they are going to have a homecoming queen or a fullback, and all of a sudden parents have a child with disabilities. Many parents do not know how to handle that. In many places, the child would be denied an education at school. That is wrong.

What has happened is cottage organizations, anytime there is money, trial lawyer cottage organizations will bring activists in and demand 20 things instead of what they really are accredited for under an IEP, which is where they designate what that child's disability is and what kind of care that they need. The lawyers come in and demand, and we have cases where ambulance service has to bring the child to school; they have to have a full-time nurse. The average is about $5,000 per child nationwide per year. We have some cases where that exceeds $100,000 for one child.

The bill that I am talking about caps the trial lawyers' fees so that the money stays in the education system to help those children instead of trial lawyers, but at the same time allows every child to be represented by a lawyer, and represented if they feel that they are being abused by the school system.

Allen Burson, San Diego city schools, who was President Clinton's head guy under Border, is now the superintendent of schools; and he said this is his number one issue in taking money away from schools. We are losing good teachers. My sister-in-law heads up the Individuals With Disabilities Act for San Diego city schools. They are losing good teachers, teachers that just want to teach children; but the trial lawyers get them into court and just beat the heck out of them, and we are losing those good teachers.

Mr. KINGSTON. I want to ask the gentleman, and I see that we have been joined by the gentleman from Florida (Mr. MARIO DIAZ-BALART), did California run out of lawyers when you stopped the frivolous lawsuits?

Mr. CUNNINGHAM. Just like the rest of the country, there is an excess. As a matter of fact, I would just end it at that. There is an excess number of lawyers within the State of California. If we look at representation in our court system across the country, there is an excess. This law has not prevented people from being represented in California. Instead, it gives people a fair day in court, but yet it limits the extravagant and saves money for the health care system. So with that $60 billion, and that is per year, we could take care of every uninsured person within the United States.

Mr. KINGSTON. Mr. Speaker, again, this is not about lawyers; but it is about access, and it is about doctors.

I want to read a few more statistics from various papers. This is from the Business Journal of Portland, January 10, 2003. In three of Oregon's more rural counties, John Day, Hermiston, and Roseburg, families have either lost all access to obstetric care or their services have been drastically reduced.

Here is something from Amarillo-Globe News, October 30, 2002. According to a Texas Medical Association poll of Panhandle doctors, 61 percent have plans to retire early, and 83 percent said they use defensive tactics in practicing medicine because of fear of being sued. And then in the Fort Worth Star-Telegram, January 6, 2003, in South Texas a pregnant woman was forced to drive 80 miles to a San Antonio doctor and hospital because her family doctor in her more rural hometown had recently stopped delivering babies because of malpractice concerns.

It is something that I am glad this House is looking at. We need a balanced bill. People certainly have the right to defend themselves. They need access to the courtroom, but the courtroom should not stifle access to the emergency room.

The gentleman from Florida (Mr. MARIO DIAZ-BALART) has joined us now. And we have been talking about taxes, Iraq and jobs; and we started out talking about the nomination of President Bush of Miguel Estrada to the D.C. District Court. I had cited the gentleman from Florida in saying he was accused of not being Hispanic enough, and yet here is a guy who has graduated magna cum laude from Harvard, Columbia University, Harvard Law Review. He has practiced before the Supreme Court 15 times, he has worked for Republican and Democrat administrations, came from Honduras when he was 17 years old, but for some reason there are those in the House and the Senate who do not like him.

In fact, did I hear a Member say earlier that the House Latino Conference, did they take a position on this guy?

Mr. CUNNINGHAM. That is a question that I wanted to ask.

Mr. KINGSTON. Nationally Hispanic and Latino groups overwhelmingly have supported Miguel Estrada.

Mr. CUNNINGHAM. I asked my colleague that spoke earlier, I said, In the caucus meeting, did you invite anybody else? They said, No, it was just the caucus.

I asked, Did you invite anyone from outside so when you claim he did not answer questions, that it was not a fix, that the memo to the other body was not written before the conclusion of the caucus meeting? The reason for that is I heard all of the questions asked to Mr. Estrada. I missed a lot of sleep, and I also read the answers, and I heard the claims that he did not answer the questions on the other side. Every question was an A-plus answer, and the newspapers have editorialized about that.

I wondered about the claims of the Hispanic Caucus in the House where they had a meeting, had no outside intervention. Was the gentleman from Florida ever asked to participate? Because they said the Republican Hispanics chose not to go on the Hispanic Caucus. Were you ever asked to sit in on the meeting where the questions were asked?

Mr. MARIO DIAZ-BALART of Florida. No, I was not. But I think there are some facts that need to be brought out.

Number one is, as the gentleman said, the majority of the Hispanics in this country are excited about Miguel Estrada being on this Federal court. He would be the first Hispanic ever to serve on that court. But I can tell Members as excited Hispanics are in this country, everybody who loves diversity is excited because this is not just a Hispanic issue. We are seeing an attitude of outrage by the Hispanic communities and others when people use race as a reason to disqualify Mr. Estrada, and we have heard it on the floor of this House where Members say he is not Hispanic enough. What is he, three-fifths Hispanic? I thought those days were over when people were judged by their race. I thought the day of judging people by if they are too much of one thing, too little of another, I thought those days are over.

Personally, it is offensive when people try to use race to disqualify this brilliant young lawyer, a person who got here when he was 17 years old, barely speaking English, worked hard, studied hard, graduated with honors from Columbia University and then Harvard and worked in the Solicitor General's office under two Presidents, both Democrat and Republican Presidents. People who have worked with him say he is of the highest caliber, and yet all of these sad excuses have been used to try to derail him.

There are people who said a couple of years ago that they would fight against a filibuster, and now they are leading the filibuster. How is that possible? Were they misleading the American people when they said that then, or are they not being truthful now? It is really offensive. It is very offensive. I can tell Members also that here in this House the Hispanic Conference is wholeheartedly, enthusiastically supporting Miguel Estrada, not because he is Hispanic, but because he is highly qualified.

Mr. CUNNINGHAM. Didn't the ABA give him a high rating?

Mr. KINGSTON. Yes.

Mr. MARIO DIAZ-BALART of Florida. People have said that should be the threshold issue. Those same people that have said that is the threshold issue, and now they are saying that it does not matter with Mr. Estrada. What is it? It is not because he has not answered questions. He has answered five times more questions than the previous two people on that court combined. It is because of all of these other excuses. It seems, sadly enough, that we have heard recently the real reason: race. They do not want him because of his race.

Let me tell Members, I have to be very clear, I am not supporting Mr. Estrada because of his race, because he is Hispanic. No, I am supporting him because of his qualifications, because of his talent and experience. But it is offensive that because of his race, some people are trying to avoid him getting there.

Mr. KINGSTON. Mr. Speaker, let me ask the gentleman a personal question. If it was the gentleman from Florida (Mr. MARIO DIAZ-BALART) instead of Mr. Estrada, and the gentleman had all of his qualifications, do you think that they would let you through based on what you are saying?

Mr. MARIO DIAZ-BALART of Florida. It is funny that some of the people who have questioned whether he is Hispanic enough, these are people who, like me, are born here. There are people who are born here that say Mr. Estrada cannot be a judge because he is not Hispanic enough. Mr. Estrada got here when he was 17, so it is laughable. What is offensive is not who is saying it, but what.

Mr. Speaker, race should never be a factor to disqualify a human being to reach a position that he or she is qualified for. On this floor we have heard it once again. They say the reason that Mr. Estrada should not be on that bench is because of race. That is highly objectionable; and it is insulting, degrading to this institution, and degrading to the United States of America.

□ 1715

Mr. CUNNINGHAM. Mr. Speaker, I do not criticize my colleagues. It is their right to oppose somebody. But I also see what happened on C–SPAN. Then I look at some of the same issues that my colleagues are here bringing up, and they were false. I would think it would be more legitimate if a question was asked in the Hispanic Caucus, that the question be read and Mr. Estrada's answer just as it was in the other body. And that would be fair. And then let people make a decision. But to have a kangaroo court meet, in my opinion, with a decision already made before the court took place is wrong. To not allow anyone else within that room except for that limited group of people to see if it was fair is wrong.

Mr. KINGSTON. Last year when a different party was in charge of the other body, we passed lots of legislation that died, lots of legislation that was not allowed to come out on the floor for a vote. It seems that those same folks who lost the majority because of their inability to make decisions are at it again and it is absurd. Hey, vote the guy down. Have the guts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BISHOP of Utah). The Chair has to remind the body one more time that Members can make factual references to the Senate but anything that characterizes action or inaction in any way is out of order.

Mr. KINGSTON. I believe that we all are elected, be it a House or a Senate Member, or even a State representative back home, a county commissioner or a mayor, you are elected to vote, to take a position and not play parliamentary games, which is what has been going on.

Mr. CUNNINGHAM. We rejoiced when the Democrats elected their leadership because we knew how far left it was. This is just a good example.

Mr. MARIO DIAZ-BALART of Florida. I just may add, though, also, that there are so many important issues that this country is facing, that this House and our friends across the rotunda, in the other Chamber, are facing. The fact that there is a filibuster going on, not only is it damaging to this brilliant young attorney who is experienced, talented and of unbelievable

integrity, but there are a lot of other issues. The gentleman was mentioning the economy recently. I am concerned about the economy. I am concerned that we need to do something and do it quick to make sure that we have economic growth in this economy. That is why I support the President's proposals, because I think there are two choices: Either you do nothing and hope for the best or you do what the President is suggesting, which is make sure that we incentivize job creation. But the problem is that nothing is getting done over there because there is a small group of people who just refuses to let anything happen because they are going to filibuster on Miguel Estrada. That is unbelievable.

You are absolutely right, sir, where you just said, that is the same group that did not get anything passed for the last couple of years and now in the minority they are even going to the extreme of procedural maneuvers to avoid votes because they do not have the votes, but they are going through procedural maneuvers to avoid even a vote. It is horrible because Miguel Estrada deserves a vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair has to remind Members one more time that any kind of characterization of the other body is not in order.

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. Can I ask the Chair a question?

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. CUNNINGHAM. When we are talking about something that is done in the other body, it is very, very difficult to talk about and compare without mentioning the other body, to compare what they are doing in relation to this body.

The SPEAKER pro tempore. The Chair understands the difficulty, but those are indeed the House rules.

Mr. CUNNINGHAM. We will try to be cognizant of that, Mr. Speaker.

Mr. KINGSTON. If I may ask the Speaker, you can make a factual statement about the other body; is that correct?

The SPEAKER pro tempore. The gentleman from Georgia is correct. Members can make certain factual statements about the Senate or its actions, but cannot in any way characterize its action or inaction or the Senate or its Members.

Mr. KINGSTON. I thank the gentleman.

Mr. Speaker, also, how much time do we have left?

The SPEAKER pro tempore. The gentleman has about 30 seconds.

Mr. KINGSTON. I certainly appreciate the Speaker's leadership and patience. Does either the gentleman from Florida or the gentleman from California have any closing remarks?

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. I would ask the Chair again, for example, is it okay, a fact, that then the majority leader of the Senate stopped the flag amendment from coming forward in the other body. Would that be appropriate? That is a fact.

The SPEAKER pro tempore. The rules forbid such a characterization.

Mr. CUNNINGHAM. You are correct. Action was not taken by the majority leader at that time.

The SPEAKER pro tempore. The fact that action was not taken might be stated without characterization.

Mr. KINGSTON. I thank the gentleman from California.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman from Georgia for his time.

GLOBAL HIV/AIDS PANDEMIC

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from California (Ms. LEE) is recognized for 60 minutes.

Ms. LEE. Mr. Speaker, tonight's Congressional Black Caucus special order on the global HIV/AIDS pandemic is particularly timely given our current discussions on an authorization bill by the House Committee on International Relations. I want to thank the gentleman from Maryland (Mr. CUMMINGS) for his leadership in the Congressional Black Caucus for organizing this very important discussion tonight.

Three weeks ago, during the Congressional Black Caucus' special order celebrating Black History Month, I laid out the history of our caucus' work in the Congress on the global AIDS pandemic. I described how our involvement evolved in 1998 with a proposal put forth by my friend, colleague and a distinguished founding member of the Congressional Black Caucus, Congressman Ron Dellums, calling for an AIDS Marshall Plan. Since that time, support for these proposals has broadened beyond the Congressional Black Caucus to encompass a majority of Members of this Chamber on both sides of the aisle. I am especially proud of the progress that we have made over the years.

For example, under the leadership now of our new leader, the gentlewoman from California (Ms. PELOSI), $42 million was amended to the fiscal year 2001 foreign operations bill to provide the first real increase in spending for our international AIDS programs. We passed the Global AIDS and Tuberculosis Relief Act of 2000, which was signed into law by President Bill Clinton and which established the framework for the global fund to fight AIDS, TB and malaria.

And last year we came very close to reaching a compromise on H.R. 2069, the Global Access to HIV/AIDS Prevention, Awareness, Education and Treatment Act which is a comprehensive global AIDS bill that passed the House in December of 2001 and which the Senate modified and passed in July of 2002. Yet there is still a tremendous amount of work for us to do, particularly now that the President has finally decided to support a significant boost in spending for our international AIDS programs.

But what has the President really proposed and how does this proposal translate into action within the fiscal year 2004 budget which we received early last month? The President has said that the goal of his initiative is to prevent 7 million new infections per year and to provide treatment to over 2 million people who are infected with HIV, and to provide care for 10 million HIV-infected individuals and AIDS orphans. But where is the money for this proposal? Certainly it is not contained within the President's recent budget request to the Congress. In fact, the President only requested $450 million for his initiative in this coming year and a total of $1.8 billion for the entire international HIV/AIDS, TB and malaria portfolio. This is barely an increase of $400 million over the fiscal year 2003 budget of $1.4 billion and is far below the figure of $2.6 billion that the Congress was targeting for fiscal year 2004. Yet at the State of the Union address, the President described an immediate need for treatment for 4 million individuals infected with AIDS, individuals who, as the President described, have been told by their local hospitals, ''You've got AIDS. We can't help you. Go home and die.''

What does the President say to these same people within his budget request? Additionally, the limited focus of the President's plan to just 25 percent of the 48 sub-Saharan countries is really very shortsighted. This kind of policy would neglect millions of individuals who are equally in need of assistance. But the most disconcerting portion of the President's proposal is his level of commitment to the global fund to fight AIDS, TB and malaria. Under the President's proposal, the global fund would receive only $200 million per year for the next 5 years. Yet at this moment, the fund is nearly bankrupt and has projected that it will require an additional $6.2 billion through 2004 to meet the increasing number of grant requests that the fund is expecting.

As a point of comparison, we recently approved $350 million in the fiscal year 2003 budget for the global fund. The AIDS authorization bills that we were working on last year would have provided between $750 million to $1 billion in fiscal year 2003. Clearly the congressional commitment to the fund exists. This was a bipartisan effort. It is especially critical that we provide funding now, given the recent election of Health and Human Services Secretary Tommy Thompson as chair of the executive board of the fund, in effect, making him the chief fund-raiser for the global fund.

Despite these issues, I believe there is ample hope that the United States will make a substantive commitment to fighting the global AIDS pandemic. The groundwork that we laid in the last Congress among the original cosponsors of the House and the Senate

AIDS authorization bills provides us with a real opportunity to jump start our work here in this House.

So far, I have been very encouraged by the efforts of my colleagues on the House Committee on International Relations who are seeking to act quickly on a bipartisan AIDS authorization bill in this Congress. Chairman HYDE, Ranking Member LANTOS and Congressman LEACH, who also was my partner really in the Global AIDS and Tuberculosis Relief Act, have all displayed a commitment to working on a bill that builds upon our previous efforts in the last Congress.

Currently, we are looking at an authorization of $15 billion over 5 years, $3 billion per year, that matches the President's request at the State of the Union. The underlying structure of the bill is very similar to a compromise that we were working on at the end of the 107th Congress. I am very optimistic about our progress on this bill and I look forward to our continued dialogue with our colleagues in hopes that we will have a bill for markup in committee very soon.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS), the chair of our Congressional Black Caucus who has been a great leader on this issue, and so many other issues not only in Maryland but in the United States House of Representatives.

Mr. CUMMINGS. I want to thank the gentlewoman for yielding. I also want to take a moment to thank her for consistently standing up for so many people who cannot stand up for themselves. I also thank her for consistently raising this issue, an issue that so often is put to the side, so often not put on the back burner but placed off the stove.

Mr. Speaker, I rise today to speak on an issue that deeply troubles members of the Congressional Black Caucus as well as many other Members of this Congress, the President's emergency plan for AIDS relief.

Mr. Speaker, the Bush administration's policy on HIV/AIDS and other global diseases affects us all. Infectious diseases know no borders. Because of this, prevention and treatment programs to address particularly dangerous diseases such as HIV/AIDS, tuberculosis and malaria must be swift and adequate. That is why I and other members of the Congressional Black Caucus, AIDS activist groups and the faith-based community wrote a letter to President Bush on December 18, 2002, asking him to announce a presidential initiative to address this vexing problem.

As a global community, we are at a crisis stage with these diseases. Adequate funding for the prevention and treatment of infectious diseases, especially HIV/AIDS, must come before it is too late. As the richest and most scientifically advanced Nation in the world, we have both the power and the responsibility to take the necessary actions to end this epidemic.

Mr. Speaker, today more than 29.4 million Africans are living with HIV. Last year an estimated 2.4 million new infections occurred, while 3.5 million people lost their lives to this disease. This is a problem of epidemic proportions. I can only imagine the pain and suffering of the millions of families, orphaned children and those afflicted with this disease waiting for relief in any form.

□ 1730

The time for action is now. Lives are wasting.

That is why I applaud the President for his budget proposal which would provide $10 billion over 5 years to combat the AIDS crisis in Africa. This gesture indicates that he recognizes the need to show compassion for this epidemic through increased funding. However, the President also must act quickly if his compassion is to have any significant impact in preventing the needless suffering and death of more victims to this disease.

Mr. Speaker, I say this because the President's plan provides only $2 billion for 2004. This represents only 380 million in new funding dollars. This funding is insufficient and will not provide access to the necessary medical care and pharmaceuticals for individuals living with HIV and AIDS across the globe. The President's approach of slowly phasing in the funds writes off the lives of millions who need assistance not yesterday but right now.

Mr. Speaker, in Africa it is estimated that more than 4 million people have a sufficiently advanced stage of HIV/AIDS to warrant anti-retroviral treatment. However, currently only 50,000 are receiving that treatment. The importance of the anti-retroviral treatment for people suffering with HIV has been conveyed to the White House by the medical community. It is worth pointing out that the President admirably establishes a goal of providing anti-retroviral treatment to 2 million people infected with HIV. Despite this goal, he has only requested $450 million for his Global AIDS Initiative. Given this limited allocation and the $300 minimum yearly cost per person of providing the necessary drug cocktails, it seems that the President has assured himself of falling short of this goal.

Many in the global AIDS community, along with many members of the Congressional Black Caucus, believe that the only way to provide the cocktail to the millions that need it is through purchase of generic drugs. While publicly agreeing to this idea during the WTO negotiations in 2001, the United States has since refused to sign off on the implementing language last December that would have allowed poor countries to import generic drugs. This disconnect between rhetoric and actions need to be corrected. I urge the President to reconsider the United States's policy.

In addition to the lethargic funding of HIV/AIDS treatment, the President's plan takes away $50 million from USAID's Infectious Disease program and includes a reduction to our contribution to the Global Fund by $150 million from the 2003 levels. These reductions are coupled with an insufficient economic commitment to the Global Fund to Fight AIDS, Tuberculosis and Malaria, for which President Bush has only designated $1 billion over the next 5 years.

Mr. Speaker, this funding is woefully inadequate, as the global fund estimates that it needs $6.2 billion through 2004 to remain operational, $2.2 billion of which should come from the United States. The United States was instrumental in launching the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria in 2001. This commitment must be maintained in order to provide the necessary money to grant applicants and existing grant programs to combat the disease in 2004.

I am hopeful that with the recent election of Health and Human Services Secretary Tommy Thompson as chairman of the executive board of the Global Fund that the United States will commit itself to an increased financial and political involvement with the fund. I am confident that Secretary Thompson understands the urgency and direness of these horrible diseases, particularly HIV and AIDS, and I am confident that he will serve in the best interest of the fund.

Finally, Mr. Speaker, in addition to the problematic pace of funding of the President's plan, I am particularly disturbed by recent press reports surrounding a February 11 State Department memo indicating that the President will extend the global gag rule to cover all of our bilateral programs. Any extension of the gag rule would be turning a blind eye to the facts and would greatly hinder the effectiveness of global HIV/AIDS programs. While abstinence is one important way to avoid contracting HIV/AIDS, it is more important to fully educate people of their options and provide integrated HIV/AIDS prevention services with family planning programs. Given the high levels of stigma and ostracism that people with AIDS face in much of the world, for prevention programs to be successful, they must be integrated into services that people are accustomed to accessing, including family planning and maternal health services.

Stand-alone HIV/AIDS treatment programs, which the proposed family planning policy may require, will be a significant setback in the integration of prevention and treatment initiatives made to date. In some societies, women who are known to have HIV/AIDS stand to lose more than their lives. Their homes, livelihood, and even their children may be at stake. Thus it is highly unlikely that these women will go to a stand-alone HIV/AIDS clinic where the stigma associated with the disease would deter people from being tested or receiving counseling, prevention supplies, or health care.

Women are key to halting the spread of the HIV/AIDS pandemic, especially in the developing countries of Africa. Fifty percent of those infected worldwide and 58 percent of AIDS victims in sub-Saharan Africa are women. If we are to be effective in our fight against HIV/AIDS, we must ensure that women have access to treatment and support services free of stigma. We must empower them with education and assistance. The global gag rule handicaps this process, and it is poor policy in the fight to eradicate HIV/AIDS.

I welcome the President's commitment to providing billions of dollars to fight the global pandemic of HIV/AIDS and other infectious diseases. However, the only way to truly defeat these diseases is to develop a comprehensive strategy, a plan which focuses on the rapid disbursement of funds to prevent the spread of HIV/AIDS, to treat and support people already infected, and to provide support for those nations who are losing their fight against this deadly disease.

And with that, Mr. Speaker, I thank the gentlewoman for yielding.

Ms. LEE. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. CUMMINGS) for that very eloquent and comprehensive statement and also once again for organizing the Special Order tonight.

I yield to the gentlewoman from Michigan (Ms. KILPATRICK), who serves on the Committee on Appropriations and has been a real advocate for those who have no voice in the funding mechanisms of our United States House of Representatives.

Ms. KILPATRICK. Mr. Speaker, I thank the gentlewoman from California (Ms. LEE) for continuing to be in the forefront of this issue. God loves her for it; and as we work together to build a better world, this is certainly one of the most important issues that we will face in our lifetime.

As a member of the Committee on Appropriations, I am acutely aware, as most of the Members of the Congress are, what a tight budget we have this year and as we move into the next few years as we send our troops off in Afghanistan currently, soon to be Iraq with North Korea another possible war target. It is important, I believe, that as we do all of this, and I want to commend President Bush for making the statement in his State of the Union address, that we will spend more resources to fight HIV and AIDS.

As most everyone knows in the world, the pandemic is spreading. Africa today, India, former Soviet Union, China, and right here in our own country, unprecedented numbers of people being infected with HIV and AIDS. So I am happy to commend President Bush on taking the first step as the leader of the free world to really begin to address the problem.

Is it enough? No, it is not enough. We need to do better. We need to do more, and that is what we are talking about tonight, how we do more. It is not always money. When you are the leader of the world, you can do a lot of things that can help poor countries and other countries of the world. We can make it possible for generic drugs to be used in poor countries; and as was mentioned earlier, if the United States would step forward and sign an agreement that the World Trade Organization put forth, many of those poor countries could use generic drugs and would be able to treat the hundreds of thousands of people who are infected with HIV and AIDS; and I urge the President to come forward to work with the World Trade Organization to make sure that those pharmaceuticals are available for the poorest of the poor so they may treat themselves, save their families, and protect their children. It is most important, Mr. President; and I hope he will work in that vein.

The gag rule that was mentioned, the gag rule, for those who do not know, is a rule put on some of our appropriations that says any country that teaches family planning may not be a recipient of the funds that have already been appropriated. Many of us think that is wrong. Family planning is just what it is; and many countries in the world, we of the United States and other countries of the world, help people to plan their families so they can live within the means that they have.

By our putting the gag rule on the funds that will come forward for HIV and AIDS, it says that many of the countries will not be able to access those funds. We believe that the funds ought to be available for those countries, the poorest of the poor, who are infected, in this case, with HIV and AIDS; that the family services ought to be integrated. We have already heard that when the services are integrated, more people come and take part in those services and not just be treated with one illness, but may also have tuberculosis, may also have malaria, HIV. So then we are able to treat the entire illnesses of the people, and I hope that the President will reconsider and take the gag rule off his initiative for treating and helping with the AIDS pandemic.

We can also relax and expand the rules for HiPC countries, the highly indebted poor countries of Africa. They cannot partake of this initiative because we need to expand who can participate. It would mean that some of those countries would have to match the dollars in some instances; but many have told me, and the president of Uganda, one of leaders in the world in treating and reducing the HIV pandemic, that they are ready, willing, and able to work with this country, but they need help. They need our leaders to free them up so that they can access and treat more people. From the generic drugs, making those available, that is one way we can help. Sometimes it is not always the money. Is the money enough? No, it is not. But we as the leaders of the world can do other things that will assist in those poor countries.

AIDS, HIV, tuberculosis, malaria, as a member of the Committee on Appropriations Subcommittee on Foreign Operations, Export Financing and Related Programs, we fund those lines for countries all over the world. Why then in this initiative must we take money from the programs that are working well, the malaria, the tuberculosis program? We do not want to subtract money from those to give to HIV. We want to make it a partner with our HIV dollars, not to rob Peter to pay Paul, but to make that as one pot of money so we can treat all of those and put the dollars in that are necessary.

Is the money enough? No, it is not. But it is not always the money. There are other things that we can do to help. We can help by making it possible for some of the countries to be able to cancel their debt. In some instances 30, 40, 50 percent of the revenue of a country is used to cancel the debt. At a time when resources are low, at a time when countries are poor, we as leaders of the free world need to find a way that we can make arrangements to cancel some of that debt so those resources can be used to treat their own people in their own country.

And I tell the President if he would stand up and make that a fact, work out some arrangements so some of the debt can be cancelled, those dollars then could be put back in those countries to treat the pandemic so we do not have to always use U.S. dollars. There is a way to address the problem. Is the money enough? No, it is not. But it is not always the money. Many times it is leadership.

I want to commend President Bush for what he has already done, but I want him to know, and this Congress to know, there is much more that we can do. Make the generic drugs available, help with canceling the debt that the countries have, make sure that we get rid of and eliminate the gag rule that is not making it possible for some people to access the money.

□ 1745

In United States today, Africa, India, China and several other countries of the world, this is a real pandemic. Our role and our rule ought to be as responsible leaders in this community, leaders of the world, all 535 of us. What else can we do to relieve the illnesses, to break it down so that so many children will not be orphaned, so that so many families will not be left with nothing?

There are things we can do, and it is not always the money. I contend that if we just did three of the things I mentioned today, cancelling the debt, the use of generic drugs, as well as making sure the gag rule does not stifle and eliminate those who need treatment, it would help. Is the money enough? No, it is not.

But let us stand up and work together, Mr. President, with you. We are ready, we are willing and we are able. We just count on you to lead our country in this pandemic crisis that we see.

HIV and AIDS is not going away. Family planning is a necessity. We need to work to integrate the services so that our families can be strong, so that our children can grow and live and have an intact family, and that we move forward as a United Nations of all of God's people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BISHOP of Utah). The Chair would remind Members that remarks should be addressed to the Chair and not to others, such as the President.

Ms. LEE. Mr. Speaker, I would like to thank the gentlewoman from Michigan for that very profound statement, for really highlighting the global dimensions of this pandemic and for continuing to be our eyes and ears on the Committee on Appropriations and ensuring that our resources are prioritized in a way that they are effective in addressing this pandemic.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATSON), a former ambassador, an individual who has chaired a senate health committee for many, many years in California, and one who serves now on the Committee on International Relations and has taken the lead on many HIV/AIDS initiatives, not just since she came to Congress, but throughout her career.

Ms. WATSON. Mr. Speaker, I rise today to express concern with the President's $15 billion over 5 years proposal on HIV/AIDS funding for Africa. I commend the gentlewoman from California (Ms. LEE), the CBC and my Congressional colleagues who have worked selflessly to address this important global health issue.

My question is, are we going to see the results that we need, given the proposed funding levels? HIV/AIDS knows no continental boundary, no religious belief, no government ideology, no sexual orientation, and, most significantly, HIV/AIDS is color-blind. HIV/AIDS does exploit those people who are information-deprived and the financially challenged.

In our global community, many countries suffer from a lack of information and resources. On the continent of Africa, the HIV/AIDS epidemic has reached catastrophic proportions. There were 2.4 million new infections last year, and 3.5 million deaths. With over 29.4 million Africans living with HIV, it would be foolish to turn a blind eye and wish the problem away or to think that the global HIV/AIDS pandemic does not affect the United States.

Mr. Speaker, despite the size of the President's commitment to fighting HIV/AIDS, $15 billion over 5 years, $10 billion of which would be new funds, I stand disappointed by the size of his current budget request. HIV/AIDS funding has only been theoretically increased in the FY 2004 budget and many key programs will be underfunded. By providing over $2 billion for the coming year, of which $285 million is for research, and back-loading the bulk of the funding, the President's approach of slowly phasing in the funds will write off the lives of millions who need assistance now.

Based on a budget analysis of this FY 2004 request, $1.71 billion, compared with the FY 2003 omnibus bill of $1.363 billion, the President is barely providing $380 million in additional funding this year. Mr. Speaker, this is a typical use of rhetoric that this administration utilizes too well. Congress must address this important global issue with the proper funding.

The President is taking away nearly $15 million from USAID's Infectious Disease Program and is reducing our contribution to the global fund by $150 million from the FY 2003 levels. This kind of accounting is unacceptable and should not be included as part of the President's pledge for $10 billion in new money. How can this administration tell Congress and America that we will fight the HIV/AIDS pandemic with $15 billion, and, at the same time, cut contributions to two major global programs?

Lip service will not stop the virus. Lip service will not save people that are suffering and dying. Lip service will not provide a plastic bubble that keeps HIV/AIDS out of the United States.

Mr. Speaker, directly after the tragic events of 9/11, President Bush asked for $40 billion to fund homeland security and emergency relief efforts. Congress moved quickly in a bipartisan manner to address our national security needs.

HIV/AIDS funding is just as critical to our national security. National health is the cornerstone of our society. We have the money and are willing to use it when American ideals of life, liberty and the pursuit of happiness are challenged.

I can think of no greater danger to the quality of American life than the very real threat that AIDS poses to undermining nation states around the world.

Mr. Speaker, the only way to truly defeat HIV/AIDS is to develop a comprehensive strategy that utilizes the strengths of bilateral and multilateral institutions. The plan must also focus on the rapid disbursement of funds to prevent the spread of HIV/AIDS and to treat those individuals who are both infected and affected by the pandemic.

I urge the President and all my colleagues to front-load the increases in global HIV/AIDS funding so that we can truly make a difference and confront the greatest health challenge of our time.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman from California for her participation and for that very eloquent and very clear statement. I thank her for her commitment to health care issues in general.

Mr. Speaker, I would like now to yield to the gentleman on the other side of the aisle, my colleague from California (Mr. CUNNINGHAM). I mentioned earlier that this has been a bipartisan effort in establishing the global AIDS fund. We passed on a bipartisan basis the Global AIDS and Tuberculosis Relief Act of 2000 with the gentleman from Iowa (Mr. LEACH), and I think we see progress when we work together. So I am delighted my colleague would like to speak this evening.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, sometimes we talk about millions and billions of dollars and we lose the faces that are connected with AIDS. I want to just put a face on AIDS and a small victory.

Being on the Subcommittee on Labor, Health and Human Services and Education, we quite often go out to the National Institutes of Health in Bethesda. There I met a young African American. He walked up to me and says, ''Congressman, I have AIDS.'' He said, ''Every day I wake up and the only thing I think about is dying.''

He said this was so, until a medical research breakthrough that has a procedure where he goes through hell about every 6 months, but it extends his life. What it is called is hope. This young man now, with some hope, has gone out and bought a home, where he would not before. He has bought stocks. He did not before.

I would say that I am a fiscal conservative. Speaker Gingrich used to talk about diabetes, that if we could stop amputations and blindness, think of the money we would save, let alone the quality of life. Well, I would say that if we could better people's lives, stop the hospital visitations and AIDS, think of the money that will be saved for health care to provide those dollars for more and more people.

I thank the gentlewoman. I would also challenge the Black Caucus. We did the first prostate cancer town hall meeting in Washington, D.C. I also sit on that committee. It was very successful, with Mayor Williams. We are going to have another one in the spring.

The highest rate of prostate cancer is among African Americans, and the highest rate is in Washington D.C. We are going to have another one this spring, and I would invite the caucus to work with us and with Mayor Williams this spring when we are going to do that.

Ms. LEE. Mr. Speaker, I thank my colleague from California for that very poignant statement and also for putting a face on what we are talking about today. Yes, it is hope that we all need, but it is resources also that provide that hope.

Mr. Speaker, I would now like to ask the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) to come forward. She is a medical doctor, and with the Congressional Black Caucus in terms of her leadership on the Health Brain Trust, has been working on a variety of health care issues as they relate to the disparities we see within the African American communities,

and one of those is prostate cancer. I am sure the gentlewoman, as I yield to her, would like to comment on that.

Ms. CHRISTENSEN. Mr. Speaker, I thank my colleague for yielding. We will take the gentleman up on that offer. The gentleman and I co-chaired a briefing here on the Hill back a few years ago. It was a pleasure to join the gentleman then, and we look forward to joining him in the spring.

Mr. Speaker, when the President first announced the $15 billion in his State of the Union address, yes, we were very surprised. It sounded almost too good to be true. But we knew that at least our voices had been heard. The caucus and faith-based groups around the country, with the AIDS community, had long been calling on our President to provide the funding needed for global AIDS, and we thought initially that perhaps our requests and our pleas had been answered.

But it was almost too good to be true. And I know the next day I joined the gentlewoman from California (Ms. LEE) and the gentlewoman from California (Ms. WATERS) and others at a press conference, where we said, yes, we appreciate the fact that the President was reaching out and did appear to be responding, but we had many questions about what the $15 billion really meant.

At that time I asked several questions: What might have been some of the restrictions placed on that money? Where would it have come from? Was this new money or was it going to be taken from other important programs? And today, as I stand here, I can tell you that there are restrictions, and, yes, it did come from other important programs, and that very little of it was really new money. Not only that, but the money is coming over a long period of time. The public health effort that we need now demands an infusion of a large amount of funding now.

As I said, the CBC has been pushing for more funding on this issue for many, many, many years. Currently there are 29.4 million infected people, with 3.5 million Africans were newly infected just last year.

□ 1800

There were 3.5 million new infections. Despite the President's commitment to fighting HIV/AIDS at $15 billion over 5 years, $10 billion of which may or may not be new funds, we are really disappointed by the size of the budget request for 2004. Based on a budget analysis of this fiscal year 2004 budget request compared with the fiscal year 2003 omnibus bill, the President is barely providing $380 million in additional funding this year. Rather, as I said, the administration is taking away nearly $80 million from the USAID infectious disease program, and reducing our contributions to the Global Fund by $200 million from projected fiscal year 2003 levels.

Also, when we look at the President's commitment to the Global Fund to Fight AIDS, Tuberculosis, and Malaria, for which he has only designated $1 billion over the next 5 years, or $200 million per year, the Global Fund is a public-private partnership. It is an efficient, accountable, results-oriented mechanism for responding to these three killer diseases: AIDS, TB, and malaria. It is an innovative fund, and it operates under a technically rigorous and efficient process.

Just last week, I read that I think it was Malawi had requested some funds, and those funds were not released because certain requirements had not been met. I think the Government of Malawi wanted to put the funds in a general account, so the funds were not released until Malawi made the alterations in their plans. That demonstrates the kind of oversight that the Global Fund does have and why it is so important, because of the way in which this funding is provided to the countries through a coordinated partnership coming from within that country, a community-based approach that knows where those funds are needed and can best apply those funds to the problem. This is the best place that the funds should be provided; and as I said, they should be provided up front.

I also said at the time that I would have felt a lot more confident in the $15 billion if I had also heard that the U.N. population funds had been released; because, again, I had a lot of concern about were these funds actually going to be available. Later on, the President did say that he was going to take on some measures that would release these funds; but again, we read that they are going to be tied to whether abortion counseling is given.

In many countries that need these funds, countries where HIV/AIDS is rampant, these are sometimes the only or the first line of defense for women, particularly, but men also, in terms of protecting themselves and getting the kind of information and counseling that they need to prevent HIV and AIDS.

We had what we thought might have been good news just a couple of weeks ago about a vaccine, but we are very far off from a vaccine today. So prevention remains the best way to address this disease, and the U.N. population funds do provide that kind of prevention. We need to release those funds.

We heard our colleague, the gentlewoman from Michigan (Ms. KILPATRICK), talk about the Mexico City language, the gag rule. These funds are needed. They are part of the process. We need to have them released.

I also said at that time that I would have felt more confidence in the announcement of the funding if there had also been a concurrent announcement that the United States was going to support the release of the funds for Haiti.

Haiti is one of those countries that is in the first round of the Global Trust Fund funding, the awards. But if they do not have the infrastructure in place, if they do not have the concurrent funding to have the health care infrastructure in place, those funds will not be able to be as effective as they would be otherwise. So in the absence of all of the other measures that need to be in place, the commitment, despite the pronouncement of $15 billion for global HIV and AIDS, still does not live up to the promise that we heard in late January during the President's State of the Union address.

So I would call on the President and call on my colleagues to urge our President and to urge this administration to provide the level of funding; and I believe it should be somewhere in the area of, is it $2 billion each year? And because the fund is now underfunded and will probably run out of funds after the second round, really, a country such as ours should be able to provide even more than this, since we have not funded it to our total amount over the last couple of years.

Certainly $2.2 billion should come from our country. It will encourage other countries to increase their contributions to this fund. It is just not right for us to offer this promise of a global trust fund to allow them to give to three or four countries in the first round and several countries in the second round, and then to find that the funds have run out.

Already, the Caribbean countries have been asked to cut back on their projected requests. They have had to cut that in half. We heard when we were in Barcelona that if we continue to address this pandemic with dribs and drabs of funding, with the same lack of commitment that we have seen over the past 20 years, that the numbers will double and quadruple, hundreds of thousands of people will become infected, and we will experience many more deaths, not only overseas but here at home, as well.

So again, I am calling on the President and asking our colleagues for their support in providing the kind of funding that is needed to fight this global AIDS pandemic.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her very comprehensive statement. I would like to commend her for her leadership with the Congressional Black Caucus in terms of sharing in our health brain trust. Just today we held a health brain trust with regard to the country of Haiti, and I am delighted that the gentlewoman raised Haiti in her presentation.

Haiti is the most impoverished country in the Western Hemisphere. Ninety percent of all HIV and AIDS infections in the Caribbean are in Haiti. Over 300,000 people are infected and have been identified, and deaths from HIV and AIDS have left over 163,000 children orphans, so it is so important that we encourage the administration to release the funds that the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) mentioned in terms of the International Development Bank.

Mr. Speaker, I yield to the gentleman from New York (Mr. OWENS), my colleague and a real leader on behalf of our children and on behalf of the Caribbean, on behalf of those suffering and living with HIV and AIDS. I thank the gentleman for his participation this evening.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman for yielding to me. I would like to thank the chairman of the caucus, the gentleman from Maryland (Mr. CUMMINGS), as well as the gentlewoman from California (Ms. LEE), for sponsoring this Special Order on AIDS. It is focused on AIDS help for Africa, but we cannot really separate AIDS in Africa from the pandemic that is sweeping over the whole world.

We do not hear much talk about AIDS in India, but I assure the Members that it is a big problem there. It is a nation with a billion people and very densely populated, and in a few years their problem will be far greater than Africa's.

We do not hear much about AIDS in China. They have kept it a secret, even from themselves, to the point it has gotten out of hand; and we are going to hear far more, again with a nation of more than a billion people. It is a pandemic sweeping the world.

I stood up and applauded, along with the rest of my colleagues, when President Bush announced a special initiative on AIDS, $15 billion worth of resources behind that initiative, during his State of the Union address. We stood up and applauded.

I would like to keep applauding. I would like to say to our colleagues, let us throw a positive spotlight on this and hope that by continuing to applaud and continuing to hold it up, it will be done and done right; that we will make some corrections on some of the problems we have heard enunciated tonight with the way in which it is being done, in robbing Peter to pay Paul, and a number of other things we have heard behind the scenes about certain people who do not agree with the President, and they are determined to sabotage it in the various agencies. We hope that will not happen.

We hope this represents an example of the better angels in American foreign policy, the better angels of American leadership. Those angels have come forward time and time again, and they have always not only benefited the people that we helped, but they have benefited us.

The better angels sometimes appear in terms of a military force. They went off to Europe to fight fascism, and the boys who died on the beachheads of Normandy and other places there were fighting first of all to get invaders out of a foreign land and to save Europe from fascism, but it certainly was also to save the rest of the world from fascism.

During the aftermath of that war, World War II, we launched a Marshall Plan, a Marshall Plan which I think cost $20 billion in the currency of that time, $20 billion to help save the European countries from economic hardship and starvation, which would have led them into the bottomless pit of Communism. It was one of the best programs in terms of expenditures of money. We got more for our money through the Marshall Plan than from any other program that we had launched to contain Communism.

We fought a war in Korea, we fought a war in Vietnam, always to stop the tide of Communism; but we paid billions and billions of dollars more, and we paid in lives. The Marshall Plan, which was a nonviolent plan, a plan using the economic might of America to go to the aid of people of Europe, was effective in stopping Communism in Europe. So we have reaped benefits from the better angels policies that we have put forward.

Here is a chance to do it again. The pandemic is sweeping the world. We are helping to save ourselves. I speak as a Congressman from a district which is at the epicenter of the North American AIDS epidemic. The epidemic in North America, the epicenter is in Brooklyn; it is in Brooklyn in part of my district, an area called Brownsville and Fort Green, east New York, east Flatbush. There is a heavy Caribbean population in part of that area, and a large Haitian population in part of that area, so these things are not so foreign to us. Haiti is not that far away and the Caribbean is not that far away.

We need to think in one other dimension, that is, that microbes are the most powerful force in the world, the most powerful living forces in the world. If Members have not read some of those books about microbes, how numerous they are and how they continue to multiply and change and mutate, then Members ought to become conversant with that.

Microbes, the germs that create the AIDS problem, are constantly changing and mutating. If we do not move, as one of our speakers has said, if we continue the dribs and drabs and do not move in as rapid a way as possible with all the available resources that we can muster, we may have a situation where the microbes mutating will end us up with something far more dangerous than we have now.

AIDS is very complicated. One has to have intimate contact with a person to get AIDS from a person. There is nothing to say that the mutations will not take place and we will have some creatures flying in the air. The process of the way microbes mutate and viruses develop and so forth is such that it is not inconceivable that we could have a much worse problem affecting, or with the capacity to impact, much larger numbers of people.

So when we help the people of Africa and anywhere else struggling under this problem at this particular point, we are also helping ourselves. We need to understand that. We are helping ourselves when we use our resources in this way to guarantee some kind of better quality of life, some kind of opportunity for people to be able to cope with it. With the help of outside forces from the high-tech world and the modernized, industrialized nations, maybe they will have a chance to get a grip or handle on it and be able to cope.

These same countries are the places where Osama bin Laden and all the other terrorist leaders of the world will be recruiting people as they sink deeper into despair, as we have more and more orphan children. We have wars raging right now in many parts of the world, and children soldiers. Children soldiers are the backbone of those wars. So we cannot separate out the effort to stamp out AIDS from the other problems of the world. We can help ourselves a great deal if we listen to the better angels of our nature. If we use our resources to help people, we will end up helping ourselves a great deal. I think that is to be remembered as we go forward.

Let us support the President and urge him to make certain that the problems that have been identified here are ironed out as rapidly as possible. Let us make sure that our credibility is not questioned because of something we are proposing that we are not delivering. Let us get all of our colleagues on board to try to stamp out this scourge that affects the whole Earth and could easily come home and affect large numbers of our own people.

□ 1815

Ms. LEE. Mr. Speaker, I want to thank the gentleman from New York (Mr. OWENS) for his participation and for reminding us that really Africa is just the tip of the iceberg, and this is a global pandemic.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman and I thank her very much for the ability to share this afternoon.

Mr. Speaker, I think it is important just to note to the public that is listening and to our colleagues that are a part of this debate is that the real crux is that this is a crisis of such magnitude that the fact that $5 billion is old money and not new money, causes us to desire the administration to reinvestigate their commitment to global AIDS and increase the funding.

I think it is important to note, Mr. Speaker, that over the next 5 years, 40 million children in Africa will be orphaned by way of losing 1 or 2 parents to HIV/AIDS. It is clear that the Caribbean and India and China are facing the same kind of crisis. It is also clear that President Mbeki of South Africa has made it very clear that you cannot fight HIV/AIDS without fighting TB and malaria. And we only are getting $1 million over the next 5 years for TB and malaria when the Global Fund needs $6.2 billion to operate.

It is extremely appropriate that Tommy Thompson, now the Chair of the Global Fund will look at these

problems and acknowledge that we have got to do better. The other thing is, I think it is very difficult to be able to tell other countries when they are speaking the language of family planning that they can not get funding for HIV/AIDS, part of family planning is to save lives of women who may be infected with HIV/AIDS.

Truly we have a crisis, and I believe having gone to Africa in the first presidential trip in the term of the administration of President Clinton when we went and traveled to countries like Zambia, South Africa and Botswana, we saw what Africa could do. Now we know that they can do a lot with generic drugs. Distribution questions can be answered. I would simply say, Mr. Speaker, that it is imperative that we fight this battle together, link arms together to ensure that we do not orphan any more children around the world.

Let me close by saying, Mr. Speaker, by saying this is a problem right in our own back yard. And I ask HHS to make sure that the minority fund for minorities that are fighting HIV/AIDS in our respective communities get to those minority agencies here in America. Because I hear over and over again, wherever I go, that those funds designated by the Congressional Black Caucus are not getting to those inner-city agencies and nonprofits to fight HIV/AIDS rights in our backyard. This is an issue for the President. The Global AIDS Fund is an issue for the President and the administration, and I hope that we can collectively work together because we should be committed to saving lives.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman for her statement and for her leadership and for her patience on this special order.

Let me yield to the gentlewoman from the District of Columbia (Ms. NORTON), and I want to thank her also for her participation and her leadership this evening.

Ms. NORTON. Mr. Speaker, quickly, I want to thank the gentlewoman for her sustained leadership on this issue.

I want to focus on one issue and that is the failure to use multilateralism when it comes to AIDS policy. The unilateral approach we see here that we do not have a global approach to AIDS any more than we have the kind of global approach we need to war and to terrorism. In both, lives are at stake. The Global AIDS Fund is applauded all over the world because it is a low cost administered fund with great accountability, philanthropists serve on it. And what have we done?

It is not clear whether we are setting up a new fund, a new entity. What is clear is we are giving only a billion dollars rather than the more than $2 billion that should go to that fund, so where is the rest of our money going to? Why are not we using this multilateral approach which would get the most bang for our dollar?

I think the reason is we do not want to play by the same rules that the rest of the world is playing by. We want the global gag rule and the way to make sure we get a global gag rule is to pull our money out and deal with our money ourselves. That is a tragedy to take the gag rule and apply it to AIDS treatment.

Imagine in Africa what AIDS means. It means a terrible stigma that you cannot get treatment in the same place that you get family planning is going to mean that many people will not get treatment at all. We want unilateralism here to do what we tried to do with the Asian countries when we were recently discussing HIV prevention. We tried to delete the mention even of condoms there. We are trying to unilaterally impose our approach, an approach that we have imposed in our country, but democratically you can do that here, we are trying to impose that on the world. That is why we were seeing unilateralism here even as we have even unilateralism in much foreign policy since this President came into office. Lives are at risk. I ask that we go global when it comes to AIDS. I thank the gentlewoman for yielding.

Ms. LEE. Mr. Speaker, I thank the gentlewoman from the District of Columbia for her participation and for her leadership.

GENERAL LEAVE

Ms. LEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

EMERGENCY PLAN FOR AIDS RELIEF IN AFRICA

The SPEAKER pro tempore (Mr. MCCOTTER). Under a previous order of the House, the gentlewoman from California (Ms. Water) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, AIDS activists and interesting, caring legislators and others have been working on this AIDS issue for the past 20 years. President Bush did not get active on this issue over the past 2 years, but he has come to the table now to talk about emergency plan for AIDS relief in Africa. And according to the administration, this proposal will provide $15 billion for global HIV/AIDS programs over the next 5 years, including $10 billion in brand new money.

Now, we have to take a very close look at this here proposal. A closer look at the President's budget for fiscal year 2004 indicates that it may not be a pure $15 billion that will be spent over the next 5 years.

One would think that $15 billion over 5 years would amount to $3 billion per year. However, the administration's budget for global AIDS programs for fiscal year 2004 is only $2 billion. An increase of just half a billion over the fiscal year 2003 level. Administration officials have indicated that they plan to phase in the proposed funding over the next 5 years. Phasing in funds is particularly troublesome in the case of the AIDS epidemic. Every year, another 3 million people die of AIDS, another 5 million become infected with HIV. How many people will we have to have die before we have an emergency plan, a real emergency plan that is triggered immediately?

The President promised that his proposed emergency plan for AIDS relief would provide $10 billion in new money for global AIDS programs. When we look at this and upon close attention, it becomes very clear that the administration is transferring money from other development assistance accounts in order to fund this new proposal. The President's budget for fiscal year 2004 severely underfunds one of the Federal government's most important development assistance accounts, the Child Survival and Health Account.

Funding for this account was cut by $470 million, relative to the fiscal year 2003 level. Indeed, when you combine the President's proposed increase of half a billion dollars for global AIDS programs with his proposed cuts of almost half a billion dollars in the Child Survival and Health Account, the total funding for the two programs is virtually identical to fiscal year 2000 funding. Cutting funds for Child Survival and Health in order to fund AIDS relief is no way to improve global health.

Another problem with the proposal in this plan for AIDS relief is that it virtually eliminates funding for the global fund to fight AIDS, tuberculosis and malaria. The global fund encourages developing countries to combine the efforts of government agencies, nongovernmental organizations and civil society into a comprehensive strategy to fight epidemics in a manner appropriate for local needs and conditions. The global fund also allows donors to pool their resources so that developing countries do not have to deal with as many funding agencies.

Now, the President's proposal of $15 billion over 5 years for global AIDS program includes only $1 billion for the Global Fund. The President's budget provides only $200 million for the global fund in fiscal year 2004 and presumably $200 million per year over the next 5 years.

This will drastically reduce the Global Fund's activities which received $400 million from the United States this year alone. The President is apparently determined to ensure that his $15 billion emergency plan for AIDS relief will be implemented almost exclusively by the United States government agencies, Jeffrey Sacks, the Chairman of the World Health Organization's Commission on Macroeconomics and Health evaluated the President's proposal and concluded, ''The U.S., as it is wont these days, has decided to go it alone.''

AIDS is a global epidemic. It deserves a global response, not a unilateral one.

The gentlewoman from the District of Columbia (Ms. NORTON) just mentioned the global gag rule and the President is complicating AIDS treatments and prevention even further by attempting to apply the Mexico City policy to global AIDS programs. The Mexico City policy known as the Global Gag Rule prohibits U.S. funding of international organizations that perform abortions or provide abortion referrals or counseling with their own money.

In the past the Mexico City policy has been used to restrict the use of family planning funds. It has never ever been applied to HIV funds and it is unwise for the President to politicize this. Under the administration's new proposed policy, only organizations that do not offer abortion-related services or those that offer abortion-related services, separate from HIV/AIDS services, would be eligible for AIDS funds.

This would be an inefficient and unrealistic expectation for most clinics, organizations operating in developing countries.

I will quickly say it is time for our President to really understand all of the work that all of us have put into this issue and get with the strategy and the plan that is developed by activists and people worldwide and do some real work in helping to deal with this pandemic.

HIV/AIDS IN AFRICA AND THE CARIBBEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, let me thank the gentleman from California (Mr. CUNNINGHAM) who has a record of his own that we all know and we are very proud of what he has done to preserve democracy in this country and his serving. The gentleman's humility in yielding is just a testament to his concern. I thank the gentleman very much.

Mr. Speaker, let me say that we stand here at a crossroads right now. Millions of people all over the world are in the wake of a humanitarian disaster to pale all others. It makes the black plague of the Middle Ages look like small things. HIV and AIDS is a global killer. As ranking member of the House Subcommittee on Africa and as a human being who has seen with my own eyes the havoc HIV and AIDS is wreaking on an entire continent of Africa, I simply am compelled to speak out not only in Africa, but now in India, a nation that will have the largest population in the world in the next few years, even exceeding that of the People's Republic of China. It will have perhaps 1.5 billion people, surpassing China's 1.3 to 4 billion people.

□ 1830

It is spreading there and India. It is spreading in China, and so it is something that is all around us; but I think that if we can deal with it in Africa, I think that what we learned there can actually be used in India where it has not yet taken hold as it has in Africa. And it has taken hold in Africa because the world has been silent on it, as we have seen, as devastation through the years, year in and year out, since 1988 when HIV and AIDS was first encountered in this country.

In January's State of the Union address, President Bush announced a new initiative to combat HIV and AIDS in the Caribbean. This initiative would give $15 billion for fighting HIV and AIDS in Africa and the Caribbean, including $10 billion, what President Bush called ''new money.''

This initiative, and the fact that 10 percent of Bush's speech at the State of the Union address was spent on discussing Africa, certainly marks a new day and a new pledge of a new commitment by the administration to pay more attention to the needs of the African continent. We do have concerns about this new money and where it will come from.

While child-survival funding for Africa increased in the President's 2004 budget request by about $80 million to the $542 million, this largely reflects the increase in the HIV and AIDS funding. Meanwhile, almost all other African aid was significantly decreased. For example, democracy conflict and humanitarian assistance will be cut by $25 million in the 2004 budget if the President's request is agreed upon by Congress.

This is at a time when the U.S. is urging for sound policies and for governments to demonstrate they are fighting corruption and ruling justly in order to receive part of the $1.3 billion from the Millennium Challenge Account next year. How can we hold governments accountable for making progress in these areas and simultaneously cutting the funding that has aided these activities toward reaching these goals? It does not add up.

We must fight HIV and AIDS, yes; but we must not rob from Peter to pay Paul. Child survival is important. Democracy and good governance are important, and in a day when the administration wages its war against terrorism, the administration is seeking to cut military and security aid by 23 percent in Africa, a $130 million cut, as well as peacekeeping aid in Africa by nearly 50 percent. Is the $75 million increase in HIV and AIDS a result of the cuts in other line items?

If we are serious about combating the most lethal killer we have known, we must integrate our efforts in other areas. We cannot stem the tide of HIV if we are cutting aid to agriculture, trade and investment or democracy programs. HIV affects all other sectors of society, not only health. Therefore, we have to combat the effects HIV has had on all of the areas, and we should not move towards cutting aid in those areas to fight HIV and AIDS, because it is all together.

I once again commend the administration for its effort, and we look forward to working with the administration in this new dedicated war against HIV and AIDS.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I appreciate the opportunity to be here tonight, and I want to especially thank my good friend, the gentleman from Maryland (Mr. CUMMINGS) and applaud my CBC colleagues for their hard work in bringing us together here tonight to talk about the HIV pandemic.

The global fight against HIV/AIDS is important to U.S. security interests because the disease has proven to be a significant destabilizing force in much of the developing world. It has removed many of the most productive members from society and devastated the social, political and economic infrastructures of those countries hardest hit.

Mr. Speaker, today, the chance of a 15-year-old African girl making it to the age of 60 is 52 percent. By 2010, it will be about a 30 percent chance. This will have a sizeable impact on the future of African society. With this kind of outlook for African youth, investment in education and economic advancement practically become non-issues.

In January, President Bush proposed spending $15 billion over five years to fight global HIV-AIDS. The plan would commit $3 billion a year for five years to global AIDS reduction, including $200 million a year for the Global Fund to Fight HIV/AIDS, Malaria and Tuberculosis.

I understand that the Senate Foreign Relations Committee will take up the legislation very soon. The House International Relations Committee will consider a comparable bill.

Mr. Speaker, I hope that this boost in spending is not a fait accompli. We must fight to ensure that Congress commits to the increase in Global Fund to Fight AIDS, Tuberculosis, and Malaria while preventing politics from intruding on decisions about health care.

The purpose of the Global Fund to Fight AIDS, Tuberculosis and Malaria is to attract, manage and disburse additional resources for health through a new public-private partnership. It is hoped that this will make a sustainable and significant contribution to the reduction of infections, illness and death and thereby mitigate the impact caused by HIV/AIDS, tuberculosis and malaria in countries in need, and contribute to poverty reduction as part of the Millennium Development Goals.

Mr. Speaker, We still have a long way to go to raise awareness about the disease and to ensure that Nations have the resources to implement proven prevention and treatment programs. We must do more to help those countries to combat these deadly diseases.

We must commit ourselves to doing more, and I hope that this Congress can make that commitment, and I strongly urge the President of the United States to do the same for the Global Fund.

AMERICAN HEROES

The SPEAKER pro tempore (Mr. MCCOTTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr.

CUNNINGHAM) is recognized for 60 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I would also like to commend my colleagues on the other side, especially the Congressional Black Caucus. This was an informative hour. It was not to blast the White House or Republicans. It was issues of general concern, of moneys that they think should be put in, and it was issue-based, and I would like to commend my colleagues.

Mr. Speaker, my friend and I, the gentleman from California (Mr. HUNTER), whose seat is down in San Diego, California, we come to praise Caesar and on a positive note, too many times that this Nation loses its heroes, and they are not recognized.

Tonight, it was actually my colleague's idea. I just kind of chummed along. We stand up tonight and mention some folks that we know that have contributed to national security, that have contributed to every man and woman's life in this country, and some other countries as well; and with that, I would yield to my colleague, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I want to thank my colleague for yielding, who is, in fact, one of those rare individuals himself, one of the great leaders in aviation in this last quarter century, as the only American ace from Vietnam and a nominee for the Congressional Medal of Honor.

Mr. CUNNINGHAM. Reclaiming my time, I would like to correct that. My backseater, Willy Driscoll, qualified, and the Air Force, Steve Ritchie was a pilot Ace, and Jeff Feinstein in the backseat.

Mr. HUNTER. Mr. Speaker, let me qualify that. The gentleman from California (Mr. CUNNINGHAM), along with Willy Driscoll, were the first aces in Vietnam, but actually the only Navy aces, and my colleague has had a great record there.

What I wanted to do tonight, and I know my colleague has a number of aviation leaders and I think it is appropriate at this time in our history, when we are on the verge of perhaps another conflict and we have lots of people deployed and lots of people defending liberty around the world for the United States, is to reflect on some of the great Americans who have stepped forward as citizen soldiers, so to speak, and led this Nation.

I am not a pilot and I am not a great friend of aircrafts, but one thing that I have always reflected on was that if we did not have these people who came from our villages, from our farms, from our cities and had a desire to fly and saw an intrigue in flying and interest in flying, and thereby became involved and ultimately became pilots in uniform for this country, we would not have this great country, because as Billy Mitchell said, and we are going to reflect on him a little bit, we entered the age of air power early in this century, and it was American air power that has helped us to retain our freedom.

What I thought I wanted to do, I know we have got a number of people to talk about: Billy Mitchell, Chuck Yeager, Joe Foss, and several others.

Mr. CUNNINGHAM. General Cardenas.

Mr. HUNTER. I thought we might start with General Bob Cardenas, who is a quiet man. He is a guy we do not see on a lot of magazine covers, but Bob Cardenas is a great test pilot, great bomber pilot who had his bomber blown apart in World War II, landed on one side of the lake, in fact German side of the lake, other side of the lake was Switzerland. He and his colleague, who also bailed out, swam that lake to get to freedom, and Bob later became one of the great test pilots of this country and he flew the B–29 and was a project manager and flew the B–29 that dropped Chuck Yeager's X–1 out in October of 1947 and watched it break the speed of sound.

So Bob Cardenas was a remarkable individual, a guy who came up through San Diego, went to San Diego State. He used to build model airplanes as a kid. He got involved in flying, saw those. He helped local glider pilots with their construction of their planes. He bummed rides with folks who were flying guide gliders. He was a very bright student and went to San Diego State and ultimately joined the United States Air Force; and Robert Cardenas has been just a model of what I would call our first citizens, our best citizens.

Today, Bob is a guy who leads veterans groups in San Diego; and if a person has an important veterans issue, Bob Cardenas will be there, never for pay, never for reward, never with a kind of a pronouncement that is designed to attract attention, but the quiet man, with lots of wisdom.

One of my favorite pictures of Bob Cardenas is one that was taken by a tourist in, I believe it was 1953, when he flew the flying Wing right down Pennsylvania Avenue at the request of President Truman. In fact, it was not 1953. It was February 9, 1949. The flying Wing looks exactly like a B–2 bomber at a distance, and yet at 1949, when I was 1 year old, this great test pilot flew this flying Wing which is very difficult to control. In fact, he wrote a memo that went to President Truman saying it was not suitable to be a bomber aircraft at that time, but he flew it right down Pennsylvania Avenue and he flew it over this Capitol.

His boss said, Bob, fly down Pennsylvania Avenue and try not to hit a tree; and Bob was watching those trees so intently he said he just barely saw the Capitol in time and pulled up. It just so happened there was a photographer out here to the east of the Capitol, just a tourist, who took this incredible, dramatic picture in 1949 of that flying Wing coming right over the United States Capitol, and that autographed picture is one of my treasured mementoes because it reflects a guy who came from San Diego with an open demeanor, with a great character and with just a desire to fly and to help his country while he was doing it, just a very open and honest expression of patriotism and developed into one of the great fighter pilots or one of the great test pilots of all time and ended up being an important figure in the advancement of American aerospace.

Today, as we watch these B–1 batlike airplanes, these B–2s, half a century later rolling out into action and being in theater now in the Gulf, and prepared for potential action against an adversary, every time I see one of those planes I think of this great Bob Cardenas, 1949, flying that plane at President Truman's request over the U.S. Capitol.

So Bob is obviously one of our mutual heroes, and I hope to see him soon and tell him that we have been talking about him today.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman from California. I actually went through the whole page of things we were going to talk about General Cardenas, but I have got a couple of others that I have got to mention.

General Cardenas is one of the few individuals that can tree a person with a smile. There is not a day goes by that I do not get a call from General Cardenas, and he says, ''Duke, what have you and Duncan done for the veterans today?''

I would be happy to announce also that he was very instrumental in San Diego. Widows and sometimes widowers have to drive clear up to Riverside, a 3½ hour drive, to visit the grave sites of their loved ones that they lost in different wars, the veterans. General Cardenas held some of the first meetings. We looked, we worked in a bipartisan way and ended up finding a spot at the former naval air station, Miramar, which now is MAS Miramar by the Marine Corps; and we found some 300 acres that will be a satellite for Fort Rosecrons that will provide over 200 grave sites.

General Cardenas was instrumental and he was a driving force that pressed us and Tony Principi, the Secretary of Veterans Affairs, to come up with this site; and he also was inducted into the Aerospace Walk of Honor, and as the gentleman from California (Mr. HUNTER) mentioned, has done hundreds of things in the field of aerospace itself.

But as a combat veteran and a veteran that has done a lot for space and for others, I was at General Yeager's 80th birthday a while back, and General Cardenas was prominent in that conversation at that meeting as well.

Mr. HUNTER. Mr. Speaker, I think the gentleman has led into one of our mutual friends and a great hero, Chuck Yeager, a great hero for this century who came out of, as my Dad calls him, the citizen soldiers; and my dad had written recently about how people from the outdoors often have a penchant for the military because they learn

how to shoot, they learn how to be vigilant, they learn how to be alert. And those qualities serve them well when they get into the military, and Chuck Yeager is one of those people.

Where would my colleague place Chuck Yeager as a great fighter pilot and a great test pilot? He was a guy with both qualities.

Mr. CUNNINGHAM. Mr. Speaker, we had studied when I was a kid, we studied about General Yeager and his exploits; and the first time I actually met him was at the naval air station Miramar, and he gave a lecture. This was before I ever went to Vietnam and flew, and General Yeager talked about getting engagement with a MiG and then you sit there and pulled about six Gs over the corner, came over the top, came back around and pulled six Gs. Then it was Colonel Yeager when he was briefing us. One of the guys said, ''Colonel Yeager, why didn't you shoot this guy?'' Because this was me, this was me out in front.

Mr. HUNTER. He is a man not without a sense of humor, also.

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The second time I guess I had an engagement with General Yeager was the very first time I was able to join the American Fighter Aces Reunion. There had been no new fighter ace in almost 30 years, and we had our first reunion in San Antonio when Willy and I came back from Vietnam. And the press came up to me and said, ''Duke, how do you feel about joining Joe Foss and Pappy Boyington and Chuck Yeager and all these different guys?'' And General Yeager was there. And the press guy said, look, if you and General Yeager would get into a dog fight, who would win? He wanted me to put down General Yeager. My answer was, ''General Yeager is not only a test pilot and a fighter pilot and a combat pilot, but he has done a million things I have not ever done before.

So I would basically not answer his question. But after the press guy left, I looked at Chuck and said, ''General Yeager, I'll meet you at 15,000 feet and I'll have your donkey.'' And his immediate response was, ''Bring it on, Duke,'' which you would expect from General Yeager.

So this is one of the all-time greats that have contributed not just to combat aviation, but when you look at the first man to go supersonic, the first man in the X1 and the X1–A that set speed records of over 1600 miles an hour, he is right up there.

Mr. HUNTER. My father sent some commentary about these citizen soldiers, and Chuck Yeager is one of these guys, because dad always felt that people with this outdoor background had a special rapport with the military. He says, and I am quoting, ''Hardened by frontier life, Americans have always been able to use their woodsmanship and facilities with firearms to win any wars that were thrust upon us.

Organizations such as the Boy Scouts, citizen gun clubs, the American Rifle Association and veterans groups, have successfully resisted the efforts of those anti-gun forces that would like to disarm the average American. In the Spanish-American War and World Wars I and II, American forces have mobilized in short order and defeated their enemies. Our citizen soldiers are our greatest defense and are mobilized and used by those who make our Armed Forces their profession.''

And if you read the exploits of Chuck Yeager, a kid that grew up in West Virginia hunting and fishing and tracking, it is very clear, and he reflects many times about how he used these developments in his instincts and his capabilities and his reflexes, and certainly his shooting ability to our advantage when he was in combat. And when you go out among our troops that are deploying now for Desert Storm II, possibly, and for the war against terrorism, you talk to lots of people who have become proficient in firearms and in the outdoors, whether they are in infantry or in the Navy or in the aerial forces. There is a certain insight that that kind of a background gives you.

Maybe Chuck Yeager is one of the greatest examples of that. And when I saw him the other day, he said that he had walked away from his last test piloting at Edwards Air Force Base in California just a few weeks before his 80th birthday. And I know my friend visited him on his 80th birthday.

Mr. CUNNINGHAM. We went up to northern California for his 80th birthday. I guess being a fighter pilot is okay, because General Yeager is 80 years old and he is dating a 35-year-old woman that he met on a hiking trail in the Sierras. If you look at General Yeager, he looks like he is 40, not 80.

I just hope that I have accomplished one-tenth of the things he has when I am 80 years old and still have the spirit of heart that he does.

Mr. HUNTER. Let us move to another guy, whose picture my friend just gave me a couple of months ago, and who passed away. He was a great, great friend of ours, but what a great leader for America. Joe Foss.

Joe Foss shot down over 20 aircraft in World War II. He was a great marine fighter pilot. He went back and became the governor of South Dakota. He was the commissioner of the American football League between 1988 and 1990. In fact, I think you were one of the guys that urged him to run and he did and became the President of the National Rifle Association.

And that takes me back to my dad's treatise to the effect that a lot of country boys become great military leaders and great pilots because of this sixth sense that they develop in the woods. Joe Foss is one of those guys. And that autographed picture you gave me of Joe Foss, that I have still on my wall, is very treasured, because Joe Foss passed away just a few weeks ago.

What a great hero he was for this century. And that great story, the Bridges of Toko Ri that was about Korea, where James Michener talked about where Americans got these people that flew off these tiny carriers and went out and found the enemy and took them on, and then tried to find that little bitty postage stamp out there rocking in the middle of the ocean. And how extraordinary it was that at a time when the rest of us were living a life of comfort, people like that should come forward. That was Joe Foss, coming out of South Dakota. A great guy, bigger than life, a guy who had gotten in lots of rough and tumble situations, but a guy with an absolute heart of gold. Joe Foss. When did the gentleman first meet Joe?

Mr. CUNNINGHAM. Well, as a kid, I had read about Pappy Boyington, Chuck Yeager and Joe Foss, but the first time I ever met Joe was, again, at the American Fighter Aces Reunion in San Antonio. And I covet that picture I gave the gentleman, because I never thought we would be without Joe. He was bigger than life. So I am going to have his wife, DeeDee, send me one of those pictures and sign it for Joe so I can hang it on my wall.

I have a special memory of Joe Foss. He and I were inducted into the Riverside Aviation Hall of Fame together. And after the event, people in the audience were able to ask questions. There was an 8-year-old that stood up, and it was the first questioner of General Foss and myself, and his question was, ''General Foss, Duke Cunningham flew jets in Vietnam. You only flew propeller airplanes, didn't you?'' You could see the twinkle in General Foss's eye.

He was a grandfatherly type guy, very strong Christian, no nonsense Christian. And so the little kid says, ''Well, General Foss, what does a propeller really do on an airplane?'' General Foss looked at the 8-year-old and he said, ''Son, the propeller is put there to keep the pilot cool.'' The little kid shook his head, and General Foss looked at him and said, ''Son, I'm not lying to you. If it stops, you watch him sweat.''

And that is the kind of individual Joe Foss was. He was not only good with aviators, and people in management as a governor, and head of the NRA and other issues, but he really related to children and fostered that kind of spirit.

General Foss told me a story about when he was a little boy. He took his rifle that the gentleman referred to and he shot a light fixture off a telephone pole. When he came back home his father asked him what he shot today; squirrels? He said I shot a couple of things. His dad asked if he shot any squirrels, and he said, I shot a couple of squirrels, but he did not want to tell his dad about the light fixture. But when his dad pressed him, he says, well, I shot one of those little glass things on a telephone pole. His dad said, Joe, take your 22 and put it in the corner for 1 year. And he did not get to touch that rifle for 1 year.

Joe drove his father's car, and he went out and dinged it. When he came back with a dent on it, Joe's father said, you do not drive that car for 1 year. So his father's discipline was a 1-year policy. So Joe said he grew up on the straight and narrow, but that is the kind of guy that Joe was. And if you talk to the American Fighter Aces, or basically anybody that knew Joe Foss, he ranks among the heroes and the great ones.

Mr. HUNTER. Joe Foss, as the gentleman said, was inspirational to so many young people. He was born in 1915 in South Dakota and helped to run the family farm. In fact, he had to drop out of college to do that. But when he was 11 years old in South Dakota he got to meet Charles Lindbergh, and it was that inspiration and meeting the guy who had flown across the Atlantic and was such an American hero at that time that inspired him to himself become an aviator.

So this is a great family of aviators that we have, and Joe, again, won the Medal of Honor. He shot down some 24 aircraft.

Mr. CUNNINGHAM. Twenty-six.

Mr. HUNTER. Twenty-six aircraft. He was shot down himself on November 7, 1942, and he was rescued the next day. So what a great hero, Joe Foss.

But the gentleman that was a special guy, who has been to a number of events and community gatherings we have both been at, and that is Wally Schirra.

Mr. CUNNINGHAM. The Honorable Wally Schirra.

Mr. HUNTER. My favorite picture is a picture of you hunting pheasants with Wally Schirra. Tell us a little bit about that guy.

Mr. CUNNINGHAM. Well, Wally, like General Foss, like Chuck Yeager, like most of the greats, grew up hunting and fishing. He is an outdoorsman. And Wally and I were up in northern California hunting pheasants together, along with a whole group of our folks that go up there yearly. A guy named Ernie King set it up. He used to live in my district but now lives up in Oregon.

If you knew Wally Schirra, he looks like an English Lord when he hunts. He never buys anything. He used to work for Monsanto and they gave him every stitch of clothes he had. He has these little Lord jackets, these Little Lord hats, these little Lord hunting pants with the ruffles, and the little shoes and booties. And of course we make fun of him, but he does not care. Well, his little Lord hat fell on the ground and one of the guys threw it up in the air and it landed on the end of my shotgun. Wally looked at me and said, ''Duke, you wouldn't.''

So I pulled the trigger, and of course it blew a big hole in his hat. It was the most expensive hat I have ever paid for in my life. The thing cost about $200. But it was worth every minute, especially when Wally wore it for the rest of the day like that.

Mr. HUNTER. Well, Wally, that guy whose hat you blew up, was one of the original seven astronauts. And he was the only astronaut to have flown on all three space craft, *Mercury, Gemini,* and *Apollo.* And what is remarkable, and maybe this was caught to some degree in that movie The Right Stuff, which had a lot of Chuck Yeager in it, but also had some astronauts, was that a lot of Americans in aviation, who did not take themselves too seriously, and Wally Schirra was one of those guys and still is one of those guys, and who had a great sense of humor, did very serious things. Here is a guy who was a pilot, a naval officer, carrier-based fighter pilot and test pilot, and engaged in this very serious pursuit in which a lot of people were killed.

After they came back from war, people like Richard Bong, who shot down more planes in the Pacific theater than anyone, was killed on his first test flight trying to fly a new experimental aircraft. So these Americans, like Wally, like Chuck Yeager, like others, and I think we are reminded of this in the wake of the events with *Columbia,* live in a world which is very dangerous, and in which a lot of their friends and colleagues have died. And in doing that, they have pushed American capability and technology, and we are able to keep ourselves free to a much further height than we could have ever achieved if we did not have these great people.

So Wally Schirra is a great member of our San Diego community, and I think my colleague painted a great picture of Wally. He probably treasures that hat that you shot.

Mr. CUNNINGHAM. Well, I have a better picture of Wally. Because General Yeager and myself and Wally Schirra had a satellite feed that one of the television systems set up, and we were piped in basically into high schools across the United States, where young people interested in aviation could call in and ask General Yeager, Wally or myself questions. I did not get many questions. They wanted to talk to Wally and General Yeager.

One young man called in and said, ''Mr. Schirra, when you flew *Apollo,* were you afraid?'' And Wally looked into the camera and he said, ''Son, you're sitting there in *Apollo,* an aircraft with a million moving parts, all of them put there by the lowest bidder. Do you think I had any reason for concern?'' But that, again, like when Joe Foss talked to the 8-year-old or Wally Schirra relates to children, they never forget where their roots came from and they speak to the youth to get them interested in math and science and aviation and spacecraft.

It has been an honor for me just to walk among these men. I am an American, I am a man, but I walk among heroes.

Mr. HUNTER. Mr. Speaker, there is another guy who preceded all these people that we have talked about. He is a guy who, in this city, was actually taken to court-martial at one point because he told the United States, when he was a U.S. officer, a General officer, he announced to the world and to the United States that we were not ready for war and that we needed to be doing more. And, of course, sometimes when you tell the truth, that gets you in trouble. But in the 1930s, we were not ready for war.

This guy's name was Billy Mitchell. In fact, one time I was carrying on about Billy Mitchell and how great he was at warning us to get ready for this new age of air power, and the gentleman from New Hampshire (Mr. BASS), one of our great colleagues, asked me to quit lecturing him on Billy Mitchell because, he said, Billy Mitchell was my uncle. And he knew a lot more about Billy Mitchell than I did.

But Billy Mitchell took a tour of the world in the 1920s and came back reported to the Coolidge administration about where he thought our vulnerabilities lay. He would go out and analyze scenarios in which he thought we might be attacked.

□ 1900

More than a decade before Pearl Harbor, he predicted at some point we would be attacked by a low-level, early-dawn attack by aircraft from Japan at Pearl Harbor. The only thing that he also, in predicting what they might try to do, part of the blueprint that they did not follow, luckily, was that they did not blow up the fuel depots which he predicted that any enemy that attacked Pearly Harbor, that they would try to blow up.

He warned this country that we lived in an age of air power. He came back from this tour of a very dangerous, and it is relevant for us to remember now that we stand on the ledge of this new century in what appears to be a very dangerous world. Billy Mitchell warned us that we had entered the age of air power, and that the United States had better become dominant in air power because if we did not, we would be losing future engagements.

I recently looked back at the aircraft that were flown in World War I, and apparently most of those aircraft were French and British aircraft. We were not really in the age of air power.

Mr. CUNNINGHAM. I do not think that the French ones worked.

Mr. HUNTER. The French aircraft were unusual. Most of them were parked. We will talk about that later.

Billy Mitchell gave an extraordinary warning to this country. He was not received well at the White House. There were a lot of budget hawks that did not want to spend a bunch of money on military equipment. After all, the 1930s were supposed to be a very peaceful time. So they gave him short-shrift, and he became more and more insistent in his demands that the United States gear up for what he saw as a coming storm.

He made statements to the effect that we were unprepared for war, so they court martialed him. In the movie

Gary Cooper played Billy Mitchell. He sacrificed his own career to wake America up. I have often thought about if Billy Mitchell came back and told us we were entering the age of air power and we had better become proficient at it or we would be in dire straits.

Similarly, we have now entered the age of missiles, and now that we have seen North Korea shooting the TD–2 missile with the capability of reaching the west coast of the United States, when we look at their unstable leadership, I am reminded of the fact that we are deep in the age of missiles, and we need to be awakened, just as America needed to be awakened by Billy Mitchell in the 1920s and 1930s that we were in the age of air power; and we need to be awakened that we are deeply in the age of missiles, and we better have the ability to shoot down missiles.

Billy Mitchell had this extraordinary career in which he not only shot down enemy aircraft and was a leader in aviation, but he also spoke out. I think that is another trademark of these great aviators that we have talked about. Joe Foss spoke out. Bob Cardenas is still speaking out. Chuck Yeager spoke out very strongly and forcefully. And Billy Mitchell was also a guy that really spoke out.

Mr. CUNNINGHAM. Billy Mitchell started flying in 1916. This was the time that Manfred von Richthofen, the Red Ace flew. He predicted these things that were going to happen in 1942 with Japan. He was also looked at being court martialed. He said if we did not have our air power, the Navy would be decimated without air power covering the top of it. One of the admirals said, I will stand on top of this battleship while you attack it, and Billy went out and single-handedly sunk this destroyer, which also showed air power, if we go into any war without air power, the Navy is very, very vulnerable, or without missile cover. Billy Mitchell is among the greats that we talk about.

One of the things that I would like to talk about before we move to the next one, just to be a great name does not mean that you are a hero, but I will tell Members the names of some real heroes. Willy White, when I was in Vietnam, jumped up on my airplane and he said, ''Lieutenant Cunningham, we got our MiG today, didn't we?'' And Willy was telling me that they felt part of a team.

Last night I was watching television, and on there was a movie that was very moving. It was called ''Glory.'' It was about a white colonel that was killed in the battle of this movie, but he led black troops in the 54th Regiment, and these troops were asked to fight against a fort. First of all, the general that was talking to the colonel said you have not slept for 2 days and the colonel said, True, General, we have not slept for 2 days, but they have fight left in them. They have character, strength of heart, and you should have seen us just 2 days ago.

The black soldiers that night sat around a camp fire knowing that they were going to lead this attack. They volunteered to lead this attack which was going to be the highest casualties. As a matter of fact, in ''Glory'' the black soldiers under this command and their leader took 50 percent casualties. They never did take the fort, but the point was that one of the soldiers said, if I should fall, who will carry the standard, meaning the flag. A voice quipped out, I will, sir, and then, I will, sir. Seven different times that flag fell and each time a black soldier picked that flag up and went forward knowing that they would probably be killed.

When we talk about greats and aviation greats and heroes in this world, I think some of the things that have happened in our own history are sad; but when I think about like Denzel Washington who played in the movie, had a difficult time speaking, with tears, he said, I love the 54th. This is my family, and we are men.

That is the spirit of the fighting men and women that we honor here tonight, not just with General Yeager and Billy Mitchell and Wally Schirra, but with men like this that have given their utmost. And today, when we are looking at Iraq, and our men and women are stationed in the Middle East and all over this world, we should pay them an homage and honor what they are doing for us here today.

Mr. HUNTER. That reminds me of something that President Reagan said, and I am thinking of all those troops wearing the Desert Storm camouflage in the Middle East, you can go to France, you can never become a Frenchman. You can go to Germany, and you can never become a German. You can go to Mexico, and you can never become a Mexican. But you come to the United States, and you become an American. All of us are united behind the American flag, and it has been the greatest mixer of people and the greatest set of common values and common ground that free people could rally around in the history of the world.

I think it is appropriate that you brought this story to us tonight because that is the story of our country. I think that there is no greater force to bring people together in this country than the U.S. military. It brings people together, whether they have titles behind their names or have gone to universities of renown or have lots of money or no money. It brings them all together for a common cause, and it provides a line of communication and touching and rapport with their colleague standing next to them, who may have come from the other side of the country.

I want to mention two other people, the gentleman from Texas (Mr. SAM JOHNSON), our great friend whom we honored the other day with a resolution. As a POW he was an Air Force guy who did a great job, and he is such a leader in Congress today.

Mr. CUNNINGHAM. Does the gentleman from California know what is put on the bottom of a Coke bottle at an Air Force base?

Mr. HUNTER. No, but I think you are going to tell me.

Mr. CUNNINGHAM. Open other end.

Mr. HUNTER. We are going to have calls on that. There is another guy I want to mention and that is Duke Cunningham because you have come to this body with lots of stature that you won on the battlefield, and you went through a lot of the same feelings that a lot of those guys are feeling right now getting ready for action in what could be a very difficult theater.

Mr. Speaker, my colleague is a man who was heavily decorated with the Navy Cross and the Purple Heart and lots of Flying Crosses, and we appreciate the gentleman's great service to the country. Having the gentleman here to bring the common sense and practicality of operating aircraft to this body, which often just sees aircraft and services in terms of numbers and reflections on pages, has been a great service to our Congress. My colleague is the last hero that I want to point to today, but not least.

Mr. CUNNINGHAM. I remember attacking a site and the guy on the ground said hit the purple smoke, and the purple smoke was their position. And it was guys like the gentleman from California (Mr. HUNTER) and the rangers in Vietnam that were trying to scamper down the back side of a hill; and I remember thinking I am glad that I am in this nice air-conditioned airplane at 20,000 feet, not scampering down on the ground like the gentleman from California (Mr. HUNTER).

Mr. Speaker, it is all relative. Men like the gentleman from Texas (Mr. SAM JOHNSON) was a prisoner of war for 7 years. Half of that time was in solitary confinement. He was leader of the Air Force Thunderbirds, and what a marvelous representative he is here.

When Americans hold up their heads and look to heroes, we know that Mexican Americans, Hispanics, had more per capita Medal of Honor winners than any other group. Because of their values and defense of national security and taking care of their families and so on, that the Tuskegee Airmen, during very difficult times in our country with racism, fought through those barriers. Not a single bomber went down that was escorted by a Tuskegee Airman, and those are the kinds of things that I am talking about.

We have a friend in Vietnam that took almost 6 years to knit an American flag together to have it like the Speaker has here tonight so people could celebrate when a few POWs got together. The Vietnamese guards came in, saw the POW without his shirt, and ripped it apart and they took him out and brutally beat him for hours. They did not think he would survive. They comforted him on the side. He had a broken jaw and internal injuries. And so they started conducting their meeting, and there this broken-bodied POW had drug himself to the center of the

floor and started grabbing those bits of thread that had been shred up so he could knit another American flag. That is the spirit that we are embodying here tonight, from the 54th in ''Glory'' to the Tuskegee Airmen, to the Hispanics that contributed, to the Filipinos who gave your father the flag, I believe, which flew over Baguio when the Japanese took over Baguio which you donated to a museum.

This is the American spirit, and this is the spirit that we will overcome regardless of what Saddam Hussein does.

Mr. HUNTER. This is the picture of General Bob Cardenas in 1949 flying the flying Wing right over this Capitol. I thank the gentleman for letting me be part of this Special Order tonight.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCCOTTER). The Chair reminds Members to refer to each other by State delegation, and to address their remarks to the Chair.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2155

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 9 o'clock and 55 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 878, ARMED FORCES TAX FAIRNESS ACT OF 2003

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–25) on the resolution (H. Res. 126) providing for consideration of the bill (H.R. 878) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. HILL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. TIERNEY, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. CAPUANO, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DELAHUNT, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. HAYES, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 111. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle, site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes; to the Committee on Resources.

S. 117. An act to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes; to the Committee on Agriculture.

S. 144. An act to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Resources in addition to the Committee on Agriculture for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 210. An act to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes; to the Committee on Resources.

S. 214. An act to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes; to the Committee on Resources.

S. 233. An act to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System; to the Committee on Resources.

S. 254. An act to revise the boundary of the Kaloko-Honokōhau National Historical Park in the State of Hawaii, and for other purposes; to the Committee on Resources.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, March 6, 2003, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 108th Congress, pursuant to the provisions of 2 U.S.C. 25:

ALABAMA

1 Jo Bonner
2 Terry Everett
3 Mike Rogers
4 Robert B. Aderholt
5 Robert E. (Bud) Cramer, Jr.
6 Spencer Bachus
7 Artur Davis

ALASKA

At Large

Don Young

ARIZONA

1 Rick Renzi
2 Trent Franks
3 John B. Shadegg
4 Ed Pastor
5 J.D. Hayworth
6 Jeff Flake
7 Raúl M. Grijalva
8 Jim Kolbe

ARKANSAS

1 Marion Berry
2 Vic Snyder

3 John Boozman
4 Mike Ross

CALIFORNIA

1 Mike Thompson
2 Wally Herger
3 Doug Ose
4 John T. Doolittle
5 Robert T. Matsui
6 Lynn C. Woolsey
7 George Miller
8 Nancy Pelosi
9 Barbara Lee
10 Ellen O. Tauscher
11 Richard W. Pombo
12 Tom Lantos
13 Fortney Pete Stark
14 Anna G. Eshoo
15 Michael M. Honda
16 Zoe Lofgren
17 Sam Farr
18 Dennis A. Cardoza
19 George Radanovich
20 Calvin M. Dooley
21 Devin Nunes
22 William M. Thomas
23 Lois Capps
24 Elton Gallegly
25 Howard P. ''Buck'' McKeon
26 David Dreier
27 Brad Sherman
28 Howard L. Berman
29 Adam B. Schiff
30 Henry A. Waxman
31 Xavier Becerra
32 Hilda L. Solis
33 Diane E. Watson
34 Lucille Roybal-Allard
35 Maxine Waters
36 Jane Harman
37 Juanita Millender-McDonald
38 Grace F. Napolitano
39 Linda T. Sánchez
40 Edward R. Royce
41 Jerry Lewis
42 Gary G. Miller
43 Joe Baca
44 Ken Calvert
45 Mary Bono
46 Dana Rohrabacher
47 Loretta Sanchez
48 Christopher Cox
49 Darrell E. Issa
50 Randy ''Duke'' Cunningham
51 Bob Filner
52 Duncan Hunter
53 Susan A. Davis

COLORADO

1 Diana DeGette
2 Mark Udall
3 Scott McInnis
4 Marilyn N. Musgrave
5 Joel Hefley
6 Thomas G. Tancredo
7 Bob Beauprez

CONNECTICUT

1 John B. Larson
2 Rob Simmons
3 Rosa L. DeLauro
4 Christopher Shays
5 Nancy L. Johnson

DELAWARE

At Large

Michael N. Castle

FLORIDA

1 Jeff Miller
2 Allen Boyd
3 Corrine Brown
4 Ander Crenshaw
5 Ginny Brown-Waite
6 Cliff Stearns
7 John L. Mica
8 Ric Keller
9 Michael Bilirakis
10 C.W. Bill Young
11 Jim Davis
12 Adam H. Putnam
13 Katherine Harris
14 Porter J. Goss
15 Dave Weldon
16 Mark Foley
17 Kendrick B. Meek
18 Ileana Ros-Lehtinen
19 Robert Wexler
20 Peter Deutsch
21 Lincoln Diaz-Balart
22 E. Clay Shaw, Jr.
23 Alcee L. Hastings
24 Tom Feeney
25 Mario Diaz-Balart

GEORGIA

1 Jack Kingston
2 Sanford D. Bishop, Jr.
3 Jim Marshall
4 Denise L. Majette
5 John Lewis
6 Johnny Isakson
7 John Linder
8 Mac Collins
9 Charlie Norwood
10 Nathan Deal
11 Phil Gingrey
12 Max Burns
13 David Scott

HAWAII

1 Neil Abercrombie
2 Ed Case

IDAHO

1 C.L. ''Butch'' Otter
2 Michael K. Simpson

ILLINOIS

1 Bobby L. Rush
2 Jesse L. Jackson, Jr.
3 William O. Lipinski
4 Luis V. Gutierrez
5 Rahm Emanuel
6 Henry J. Hyde
7 Danny K. Davis
8 Philip M. Crane
9 Janice D. Schakowsky
10 Mark Steven Kirk
11 Jerry Weller
12 Jerry F. Costello
13 Judy Biggert
14 J. Dennis Hastert
15 Timothy V. Johnson
16 Donald A. Manzullo
17 Lane Evans
18 Ray LaHood
19 John Shimkus

INDIANA

1 Peter J. Visclosky
2 Chris Chocola
3 Mark E. Souder
4 Steve Buyer
5 Dan Burton
6 Mike Pence
7 Julia Carson
8 John N. Hostettler
9 Baron P. Hill

IOWA

1 Jim Nussle
2 James A. Leach
3 Leonard L. Boswell
4 Tom Latham
5 Steve King

KANSAS

1 Jerry Moran
2 Jim Ryun
3 Dennis Moore
4 Todd Tiahrt

KENTUCKY

1 Ed Whitfield
2 Ron Lewis
3 Anne M. Northup
4 Ken Lucas
5 Harold Rogers
6 Ernie Fletcher

LOUISIANA

1 David Vitter
2 William J. Jefferson
3 W. J. (Billy) Tauzin
4 Jim McCrery
5 Rodney Alexander
6 Richard H. Baker
7 Christopher John

MAINE

1 Thomas H. Allen
2 Michael H. Michaud

MARYLAND

1 Wayne T. Gilchrest
2 C. A. Dutch Ruppersberger
3 Benjamin L. Cardin
4 Albert Russell Wynn
5 Steny H. Hoyer
6 Roscoe G. Bartlett
7 Elijah E. Cummings
8 Chris Van Hollen

MASSACHUSETTS

1 John W. Olver
2 Richard E. Neal
3 James P. McGovern
4 Barney Frank
5 Martin T. Meehan
6 John F. Tierney
7 Edward J. Markey
8 Michael E. Capuano
9 Stephen F. Lynch
10 William D. Delahunt

MICHIGAN

1 Bart Stupak
2 Peter Hoekstra
3 Vernon J. Ehlers
4 Dave Camp
5 Dale E. Kildee
6 Fred Upton
7 Nick Smith
8 Mike Rogers
9 Joe Knollenberg
10 Candice S. Miller
11 Thaddeus G. McCotter
12 Sander M. Levin
13 Carolyn C. Kilpatrick
14 John Conyers, Jr.
15 John D. Dingell

MINNESOTA

1 Gil Gutknecht
2 John Kline
3 Jim Ramstad
4 Betty McCollum
5 Martin Olav Sabo
6 Mark R. Kennedy
7 Collin C. Peterson
8 James L. Oberstar

MISSISSIPPI

1 Roger F. Wicker
2 Bennie G. Thompson
3 Charles W. ''Chip'' Pickering
4 Gene Taylor

MISSOURI

1 Wm. Lacy Clay
2 W. Todd Akin
3 Richard A. Gephardt
4 Ike Skelton
5 Karen McCarthy
6 Sam Graves
7 Roy Blunt
8 Jo Ann Emerson
9 Kenny C. Hulshof

MONTANA

At Large

Dennis R. Rehberg

NEBRASKA

1 Doug Bereuter
2 Lee Terry
3 Tom Osborne

NEVADA

1 Shelley Berkley
2 Jim Gibbons
3 Jon C. Porter

NEW HAMPSHIRE

1 Jeb Bradley

2 Charles F. Bass

NEW JERSEY

1 Robert E. Andrews
2 Frank A. LoBiondo
3 Jim Saxton
4 Christopher H. Smith
5 Scott Garrett
6 Frank Pallone, Jr.
7 Mike Ferguson
8 Bill Pascrell, Jr.
9 Steven R. Rothman
10 Donald M. Payne
11 Rodney P. Frelinghuysen
12 Rush D. Holt
13 Robert Menendez

NEW MEXICO

1 Heather Wilson
2 Stevan Pearce
3 Tom Udall

NEW YORK

1 Timothy H. Bishop
2 Steve Israel
3 Peter T. King
4 Carolyn McCarthy
5 Gary L. Ackerman
6 Gregory W. Meeks
7 Joseph Crowley
8 Jerrold Nadler
9 Anthony D. Weiner
10 Edolphus Towns
11 Major R. Owens
12 Nydia M. Velázquez
13 Vito Fossella
14 Carolyn B. Maloney
15 Charles B. Rangel
16 José E. Serrano
17 Eliot L. Engel
18 Nita M. Lowey
19 Sue W. Kelly
20 John E. Sweeney
21 Michael R. McNulty
22 Maurice D. Hinchey
23 John M. McHugh
24 Sherwood Boehlert
25 James T. Walsh
26 Thomas M. Reynolds
27 Jack Quinn Hamburg
28 Louise McIntosh Slaughter
29 Amo Houghton

NORTH CAROLINA

1 Frank W. Ballance, Jr.
2 Bob Etheridge
3 Walter B. Jones
4 David E. Price
5 Richard Burr
6 Howard Coble
7 Mike McIntyre
8 Robin Hayes
9 Sue Wilkins Myrick
10 Cass Ballenger
11 Charles H. Taylor
12 Melvin L. Watt
13 Brad Miller

NORTH DAKOTA

At Large

Earl Pomeroy

OHIO

1 Steve Chabot
2 Rob Portman
3 Michael R. Turner
4 Michael G. Oxley
5 Paul E. Gillmor
6 Ted Strickland
7 David L. Hobson
8 John A. Boehner
9 Marcy Kaptur
10 Dennis J. Kucinich
11 Stephanie Tubbs Jones
12 Patrick J. Tiberi
13 Sherrod Brown
14 Steven C. LaTourette
15 Deborah Pryce
16 Ralph Regula
17 Timothy J. Ryan
18 Robert W. Ney

OKLAHOMA

1 John Sullivan
2 Brad Carson
3 Frank D. Lucas
4 Tom Cole
5 Ernest J. Istook, Jr.

OREGON

1 David Wu
2 Greg Walden
3 Earl Blumenauer
4 Peter A. DeFazio
5 Darlene Hooley

PENNSYLVANIA

1 Robert A. Brady
2 Chaka Fattah
3 Phil English
4 Melissa A. Hart
5 John E. Peterson
6 Jim Gerlach
7 Curt Weldon
8 James C. Greenwood
9 Bill Shuster
10 Don Sherwood
11 Paul E. Kanjorski
12 John P. Murtha
13 Joseph M. Hoeffel
14 Michael F. Doyle
15 Patrick J. Toomey
16 Joseph R. Pitts
17 Tim Holden
18 Tim Murphy
19 Todd Russell Platts

RHODE ISLAND

1 Patrick J. Kennedy
2 James R. Langevin

SOUTH CAROLINA

1 Henry E. Brown, Jr.
2 Joe Wilson
3 J. Gresham Barrett
4 Jim DeMint
5 John M. Spratt, Jr.
6 James E. Clyburn

SOUTH DAKOTA

At Large

William J. Janklow

TENNESSEE

1 William L. Jenkins
2 John J. Duncan, Jr.
3 Zach Wamp
4 Lincoln Davis
5 Jim Cooper
6 Bart Gordon
7 Marsha Blackburn
8 John S. Tanner
9 Harold E. Ford, Jr.

TEXAS

1 Max Sandlin
2 Jim Turner
3 Sam Johnson
4 Ralph M. Hall
5 Jeb Hensarling
6 Joe Barton
7 John Abney Culberson
8 Kevin Brady
9 Nick Lampson
10 Lloyd Doggett
11 Chet Edwards
12 Kay Granger
13 Mac Thornberry
14 Ron Paul
15 Rubén Hinojosa
16 Silvestre Reyes
17 Charles W. Stenholm
18 Sheila Jackson-Lee
19 Larry Combest
20 Charles A. Gonzalez
21 Lamar S. Smith
22 Tom DeLay
23 Henry Bonilla
24 Martin Frost
25 Chris Bell
26 Michael C. Burgess
27 Solomon P. Ortiz
28 Ciro D. Rodriguez
29 Gene Green
30 Eddie Bernice Johnson
31 John R. Carter
32 Pete Sessions

UTAH

1 Rob Bishop
2 Jim Matheson
3 Chris Cannon

VERMONT

At Large

Bernard Sanders

VIRGINIA

1 Jo Ann Davis
2 Edward L. Schrock
3 Robert C. Scott
4 J. Randy Forbes
5 Virgil H. Goode, Jr.
6 Bob Goodlatte
7 Eric Cantor
8 James P. Moran
9 Rick Boucher
10 Frank R. Wolf
11 Tom Davis

WASHINGTON

1 Jay Inslee
2 Rick Larsen
3 Brian Baird
4 Doc Hastings
5 George R. Nethercutt, Jr.
6 Norman D. Dicks
7 Jim McDermott
8 Jennifer Dunn
9 Adam Smith

WEST VIRGINIA

1 Alan B. Mollohan
2 Shelley Moore Capito
3 Nick J. Rahall II

WISCONSIN

1 Paul Ryan
2 Tammy Baldwin
3 Ron Kind
4 Gerald D. Kleczka
5 F. James Sensenbrenner, Jr.
6 Thomas E. Petri
7 David R. Obey
8 Mark Green

WYOMING

At Large
Barbara Cubin

PUERTO RICO

Resident Commissioner

Aníbal Acevedo-Vilá

AMERICAN SAMOA

Delegate

Eni F. H. Faleomavaega

DISTRICT OF COLUMBIA

Delegate

Eleanor Holmes Norton

GUAM

Delegate

Madeleine Z. Bordallo

VIRGIN ISLANDS

Delegate

Donna M. Christensen

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

924. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Imported Fire Ant; Additions to Quarantined Areas [Docket No. 02-114-1] received February 11, 2003, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

925. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Restrictions on the Use of Grain Originating in a Regulated Area [Docket No. 01-118-2] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

926. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Interstate Movement of Gardenia From Hawaii [Docket No. 01-042-2] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

927. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Fruits and Vegetables From Hawaii [Docket No. 00-052-2] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

928. A letter from the Administrator, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Milk in the Central Marketing Area; Interim Order Amending the Order [Docket No. AO-313-A44; DA-01-07] received February 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

929. A letter from the Administrator, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Milk in the Northeast and Other Marketing Areas: Order Amending the Orders [Docket No. AO-14-A69, et al.: DA-00-03] received February 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

930. A letter from the Administrator, Agriculture Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Exemption for Shipments of Tree Run Citrus [Docket No. FV02-905-4 FIR] received February 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

931. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Modifications to the Raisin Diversion Program [Docket No. FV03-989-1IFR] received February 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

932. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Program, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Additional Opportunity for Participation in 2002 Raisin Diversion Program [Docket No. FV02-989-5 FIR] received February 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

933. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Farm Service Agency, Rural Housing Service, Rural Utilities Service, Rural Business-Cooperative Service (RIN: 0560-AE02) received February 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

934. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Farm Loan Programs Account Servicing Policies-Reduction of Amortized Shared Appreciation Recapture Amortization Rate (RIN: 0560-AG43) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

935. A letter from the Congressional Review Coordinator, Department of Transportation, transmitting the Department's final rule — Important of Used Farm Equipment From Regions Affected With Foot-and-Mouth Disease [Docket No. 01-037-2] received February 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

936. A communication from the President of the United States, transmitting a request for the Corporation for National and Community Service; (H. Doc. No. 108—44); to the Committee on Appropriations and ordered to be printed.

937. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Emergency Acquisitions in Regions Subject to Economic Sanctions [DFARS Case 2002-D031] received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

938. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contractor Performance of Security-Guard Functions [DFARS Case A2002-D042] received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

939. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Fish, Shellfish, and Seafood Products [DFARS Case 2002-D034] received February 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

940. A letter from the Under Secretary, Department of Defense, transmitting the Strategic and Critical Materials Report during the period October 2001 through September 2002, pursuant to 50 U.S.C. 98h—2(b); to the Committee on Armed Services.

941. A letter from the Alternate Federal Register Liason Officer, Department of Transportation, transmitting the Department's final rule — TRICARE Program; Double Coverage; Third-Party Recoveries (RIN: 0720-AA52) received February 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

942. A letter from the Acting Principal Deputy Associate Administrator, Environmental ProtectionAgency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Sulfur Dioxide Attainment Demonstation for the Warren County Nonattainment Area and Permit Emission Limitations for Two Individual Sources in Warren County [PA037/072/184-4190a; FRL-7421-1] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

943. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 05-03 which informs of an intent to sign a Project Agreement (PA) under the U.S.-Singapore Research, Development, Test and Evaluation Memorandum of Agreement, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

944. A letter from the Secretary, Department of Agriculture, transmitting the Department's revised Strategic Plan for FY 2002 — 2007, pursuant to Public Law 105—185 section 253(a) 112 Stat. 560; to the Committee on Government Reform.

945. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-632, ''Initiative Measure No. 62 Applicability and Fiscal Impact Temporary Amendment Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

946. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-633, ''Fiscal Year 2003 Use of the Budgeted Reserve Funds During the Continuing Resolution Temporary Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

947. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-631, ''Housing Production Trust Fund Continuing Basis Definition Temporary Amendment Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

948. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-629, ''Master Business Registration Delay Temporary Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

949. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-628, ''Establishment of the Capitol Hill Business Improvement District Temporary Amendment Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

950. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-21, ''Draft Master Plan for Public Reservation 13 Temporary Amendment Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

951. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-19, ''Interim Disability Assistance Temporary Amendment Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

952. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-20, ''Child and Youth Safety and Health Omnibus Temporary Amendment Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

953. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-630, ''Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Releif Temporary Act of 2003'' received March 5, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

954. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

955. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

956. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

957. A letter from the Secretary of the Navy, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

958. A letter from the Secretary of the Navy, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

959. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

960. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

961. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

962. A letter from the Executive Director, Federal Mine Safety and Health Review Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

963. A letter from the Director, Office of Personnel Management, transmitting OPM's Fiscal Year 2002 Annual Report to Congress on the Federal Equal Opportunity Recruitment Program (FEORP), pursuant to 5 U.S.C. 7201(e); to the Committee on Government Reform.

964. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Financial Statements for Fiscal Year 2002, including the Office of Inspector General's Auditor's Report, Report on Internal Control and Report on Compliance with Laws and Regulations; to the Committee on Government Reform.

965. A letter from the Secretary, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

966. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 2001 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

967. A letter from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting the Capital Investment Plan (CIP) for fiscal years 2004-2008, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

968. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Britten-Norman Limited BN-2A and BN2A Mk. III Series Airplanes [Docket No. 2002-CE-33-AD; Amendment 39-12978; AD 2002-25-03] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 239. A bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields (Rept. 108–22). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 878. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; with an amendment (Rept. 108–23). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 126. Resolution providing for consideration of the bill (H.R. 878) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes (Rept. 108–25). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 361. A bill to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; referred to the Committee on the Judiciary for a period ending not later than June 1, 2003, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 108–24, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan (for himself, Mr. HOEKSTRA, Mr. EHLERS, and Mr. CAMP):

H.R. 1079. A bill to amend the Internal Revenue Code of 1986 to increase expensing for small business and to allow small business to elect to determine the deduction for depreciation on a neutral cost recovery basis for property otherwise eligible to be expensed; to the Committee on Ways and Means.

By Mr. GILCHREST (for himself, Mr. EHLERS, Mr. BAIRD, Mr. HOEKSTRA, Mr. ORTIZ, Mrs. BIGGERT, Mr. KIRK, Mr. KILDEE, Mr. CAMP, Mr. MCHUGH, Mr. EMANUEL, Ms. SLAUGHTER, Mr. ROGERS of Michigan, Mr. ENGLISH, Mr. FARR, Mr. CUMMINGS, Mr. LEVIN, Mr. STUPAK, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Mr. QUINN, Mr. SMITH of Washington, Mr. GEORGE MILLER of California, Mrs. MALONEY, Mr. DINGELL, Ms. KAPTUR, Ms. LEE, Mr. SAXTON, Mr. DICKS, Ms. BORDALLO, Mr. VISCLOSKY, Mr. WALSH, Mr. UPTON, Mr. GILLMOR, Mr. SMITH of Michigan, Mr. CASE, Mr. BOEHLERT, Mr. BROWN of Ohio, Mr. GREENWOOD, Mr. PALLONE, Mr. MARKEY, Mr. DELAHUNT, Mr. CARDIN, Mr. ALLEN, Mrs. MILLER of Michigan, Mr. BLUMENAUER, Mr. INSLEE, Mr. HOUGHTON, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCCOTTER, Ms. BALDWIN, Mr. LEACH, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. KNOLLENBERG, Mr. TOWNS, Mr. HONDA, Mr. LIPINSKI, Mr. WEINER, Mr. KIND, Mr. EVANS, Ms. LOFGREN, Mr. KLECZKA, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. SIMMONS, and Mr. LATOURETTE):

H.R. 1080. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mr. GILCHREST, Mr. BAIRD, Mr. HOEKSTRA, Mr. ORTIZ, Mrs. BIGGERT, Mr. KIRK, Mr. KILDEE, Mr. CAMP, Mr. MCHUGH, Mr. EMANUEL, Ms. SLAUGHTER, Mr. ROGERS of Michigan, Mr. ENGLISH, Mr. FARR, Mr. CUMMINGS, Mr. LEVIN, Mr. STUPAK, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Mr. QUINN, Mr. SMITH of Washington, Mr. GEORGE MILLER of California, Mrs. MALONEY, Mr. DINGELL, Ms. KAPTUR, Ms. LEE, Mr. SAXTON, Mr. DICKS, Ms. BORDALLO, Mr. VISCLOSKY, Mr. WALSH, Mr. UPTON, Mr. GILLMOR, Mr. SMITH of Michigan, Mr. CASE, Mr. BOEHLERT, Mr. BROWN of Ohio, Mr. GREENWOOD, Mr. PALLONE, Mr. MARKEY, Mr. DELAHUNT, Mr. CARDIN, Mr. ALLEN, Mrs. MILLER of Michigan, Mr. BLUMENAUER, Mr. INSLEE, Mr. HOUGHTON, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCCOTTER, Ms. BALDWIN, Mr. LEACH, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. KNOLLENBERG, Mr. TOWNS, Mr. HONDA, Mr. LIPINSKI, Mr. WEINER, Mr. KIND, Mr. EVANS, Ms. LOFGREN, Mr. JOHNSON of Illinois, Mr. KLECZKA, Mr. SIMMONS, Mr. FALEOMAVAEGA, and Mr. LATOURETTE):

H.R. 1081. A bill to establish marine and freshwater research, development, and demonstration programs to support efforts to prevent, control, and eradicate invasive species, as well as to educate citizens and stakeholders and restore ecosystems; to the Committee on Science, and in addition to the Committees on Transportation and Infrastructure, Resources, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CARSON of Indiana (for herself, Mr. HILL, Mr. PENCE, Mr. VISCLOSKY, Mr. HOSTETTLER, Mr. BURTON of Indiana, Mr. SOUDER, Mr. CHOCOLA, and Mr. BUYER):

H.R. 1082. A bill to designate the Federal building and United States courthouse located at 46 East Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. LANGEVIN (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Ms. DELAURO, Mr. DOYLE, Mr. ENGEL, Mr. EVANS, Mr. FOLEY, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GREEN of Texas, Mr. GREENWOOD, Mr. GUTIERREZ, Mr. HOEFFEL, Mrs. JOHNSON of Connecticut, Mrs. JONES of Ohio, Mr. KILDEE, Mr. KENNEDY of Rhode Island, Mr. LANTOS, Mr. MATSUI, Mr. MCDERMOTT, Mr. MCHUGH, Mr. MCNULTY, Ms. MILLENDER-

MCDONALD, Mr. GEORGE MILLER of California, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OWENS, Mr. PASCRELL, Mr. PAYNE, Mr. SERRANO, Mr. SIMMONS, Mr. SKELTON, Mr. STENHOLM, Mr. TOWNS, Mr. WAXMAN, Ms. WOOLSEY, Ms. BERKLEY, Mr. DAVIS of Illinois, Ms. GINNY BROWN-WAITE of Florida, Mr. CLYBURN, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, and Mr. MARKEY):

H.R. 1083. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHROCK (for himself, Mr. ISAKSON, Mr. GOODE, Mr. KIRK, Mr. TAYLOR of Mississippi, and Mr. FORBES):

H.R. 1084. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

By Mr. BOEHLERT:

H.R. 1085. A bill to make certain workforce authorities available to the National Aeronautics and Space Administration, and for other purposes; to the Committee on Science, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. BOEHLERT, Mr. HALL, Mr. SMITH of Texas, Mr. FRANK of Massachusetts, Mr. COBLE, Mr. ISSA, Mr. BERMAN, Ms. HART, Mr. DELAHUNT, Mr. KELLER, Mr. MEEHAN, Mr. FORBES, Ms. JACKSON-LEE of Texas, Mr. FEENEY, and Mr. WEINER):

H.R. 1086. A bill to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 1087. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate that part or all of any income tax refund be paid over for use in medical research conducted through the Department of Veterans Affairs; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONILLA (for himself and Mr. ORTIZ):

H.R. 1088. A bill to enhance the capacity of organizations working in the United States-Mexico border region to develop affordable housing and infrastructure and to foster economic opportunity in the colonias; to the Committee on Financial Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 1089. A bill to direct the Secretary of Transportation to offer federally financed, interest-free loans to public schools, municipalities, and local governments for the purchase of hybrid electric or other high-efficiency vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL:

H.R. 1090. A bill to require that ten percent of the motor vehicles purchased by Executive agencies be hybrid electric vehicles or high-efficiency vehicles; to the Committee on Government Reform.

By Mr. ETHERIDGE (for himself, Mr. WHITFIELD, Mr. MCINTYRE, Mr. FLETCHER, Mr. GORDON, Mr. GOODE, Mr. JONES of North Carolina, Mr. CLYBURN, Mr. BOUCHER, Mr. ROGERS of Kentucky, and Mr. LEWIS of Kentucky):

H.R. 1091. A bill to amend the Agricultural Reconciliation Act of 1993 to make leaf tobacco an eligible commodity for the Market Access Program; to the Committee on Agriculture.

By Mr. GIBBONS:

H.R. 1092. A bill to authorize the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada; to the Committee on Resources.

By Ms. GRANGER:

H.R. 1093. A bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of their service to the Nation; to the Committee on Financial Services.

By Ms. HOOLEY of Oregon (for herself, Mrs. JOHNSON of Connecticut, Mr. GUTIERREZ, Mrs. MALONEY, Mr. HILL, Mr. DEFAZIO, Mr. TERRY, Mrs. TAUSCHER, Ms. CARSON of Indiana, Mr. WAXMAN, Mr. BLUMENAUER, Mr. SNYDER, Mr. HASTINGS of Florida, Mr. REYES, Mrs. CHRISTENSEN, Mr. CARSON of Oklahoma, Mr. FILNER, Mr. RODRIGUEZ, Mr. MCDERMOTT, Mr. LYNCH, Mr. SANDERS, Mr. SHAYS, Ms. HARMAN, Mr. HONDA, Mr. PALLONE, Mr. SANDLIN, Mr. BACA, Ms. LEE, Mr. HINCHEY, Mr. ALLEN, Mr. BEREUTER, Mrs. JONES of Ohio, Mr. MCGOVERN, Mr. OWENS, Ms. CORRINE BROWN of Florida, Mr. FRANK of Massachusetts, Mr. KENNEDY of Minnesota, Mrs. JO ANN DAVIS of Virginia, and Mr. KIND):

H.R. 1094. A bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2008; to the Committee on Education and the Workforce.

By Mr. KING of New York:

H.R. 1095. A bill to amend the Immigration and Nationality Act to reauthorize the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. STUPAK, Mr. FRANKS of Arizona, Mr. RENZI, Mr. PEARCE, and Mr. GRIJALVA):

H.R. 1096. A bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Science, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. PETRI, Mr. LEACH, Mrs. NAPOLITANO, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. HOEFFEL, Ms. BALDWIN, Mr. FATTAH, Mrs. TAUSCHER, Mr. MORAN of Virginia, Mr. PAYNE, Mr. HONDA, Mr. SHAYS, Ms. LEE, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. MARKEY, Mr. NEAL of Massachusetts, Mr. EVANS, Mr. CONYERS, Mr. BROWN of Ohio, Mrs. MALONEY, Mr. SENSENBRENNER, Mr. JOHNSON of Illinois, Mrs. CAPPS, Mr. ENGEL, Mr. GONZALEZ, Mr. SPRATT, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. OLVER, Mr. LEWIS of Georgia, Mr. HINCHEY, Ms. CORRINE BROWN of Florida, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. FARR, Mr. RAMSTAD, Mr. LYNCH, Mr. WEXLER, Mr. PALLONE, Mr. STARK, Mr. HOLT, Mr. KLECZKA, Mr. GUTIERREZ, Mr. UDALL of New Mexico, Mr. WALSH, Mr. GRIJALVA, and Mr. ROTHMAN):

H.R. 1097. A bill to ensure that proper planning is undertaken to secure the preservation and recovery of the salmon and steelhead of the Columbia River basin and the maintenance of reasonably priced, reliable power, to direct the Secretary of Commerce to seek scientific analysis of Federal efforts to restore salmon and steelhead listed under the Endangered Species Act of 1973, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself, Mr. PITTS, Mr. TERRY, Ms. GINNY BROWN-WAITE of Florida, and Mr. COBLE):

H.R. 1098. A bill to provide that, if an individual is expelled from Congress, any Member service previously rendered by that individual shall be noncreditable for purposes of determining eligibility for or the amount of any benefits which might otherwise be payable out of the Civil Service Retirement and Disability Fund based on the service of that individual, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 1099. A bill to amend the Internal Revenue Code of 1986 to allow the $25,000 offset for individuals under the passive loss rules to apply to investments in wind energy facilities; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 1100. A bill to amend the Internal Revenue Code of 1986 to clarify that certain options offered by tax-exempt organizations are not includible in gross income under section 457(f); to the Committee on Ways and Means.

By Mr. RODRIGUEZ:

H.R. 1101. A bill to amend title 5, United States Code, to create a presumption that disability of a Federal employee in fire protection activities caused by certain conditions is presumed to result from the performance of such employee's duty; to the Committee on Education and the Workforce.

By Mr. SANDERS (for himself, Mr. SIMMONS, Ms. LEE, Mr. SHAYS, Ms. WATERS, Mr. GREENWOOD, Mr. HOYER, Mr. MCHUGH, Mr. ISRAEL, Mr. QUINN, Mr. SMITH of Washington, Mr. CLAY, Mr. WEINER, Mr. GRIJALVA, Mr. DAVIS of Alabama, Mr. LYNCH, Mrs. JONES of Ohio, Mr. OBERSTAR, Ms. WOOLSEY, Mr. CROWLEY, Mr. INSLEE, Ms. BALDWIN, Mrs. CHRISTENSEN, Mr. MORAN of Virginia, Mr. WYNN, Mrs. MALONEY, Mr. OWENS, Mr. KLECZKA, Mr. BISHOP of New York, Mr. HOLT, Mr. DAVIS of Illinois, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. EVANS, Mr. ACEVEDO-VILA, Ms. KAPTUR, Mr.

FORD, Ms. DELAURO, Mr. HINCHEY, Mr. HONDA, Mr. GUTIERREZ, Ms. CARSON of Indiana, Mr. HOLDEN, Mr. CASE, Mr. DOYLE, Mr. WEXLER, Mr. GORDON, Mr. PAYNE, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. TIERNEY, Mr. MATSUI, Mr. CONYERS, Mr. KILDEE, Mr. MCNULTY, Mr. FARR, Ms. CORRINE BROWN of Florida, Mr. LANGEVIN, Mr. HALL, Mr. OLVER, Ms. KILPATRICK, Mr. NADLER, Mr. ENGEL, Mr. CAPUANO, Ms. VELAZQUEZ, Mr. BLUMENAUER, Mr. SERRANO, Mr. TOWNS, Mr. STRICKLAND, Ms. LOFGREN, Mr. PALLONE, Mr. MOORE, Mr. RANGEL, Mr. DELAHUNT, Mr. CUMMINGS, Mr. COOPER, Mr. HINOJOSA, Mr. KIND, Ms. MILLENDER-MCDONALD, Mr. BOUCHER, Mrs. DAVIS of California, Mr. MCDERMOTT, Mr. MENENDEZ, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. RUSH, Ms. WATSON, Mr. LARSEN of Washington, Ms. SLAUGHTER, Mr. DEFAZIO, Mr. SNYDER, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. FROST, Mr. BROWN of Ohio, Mrs. MCCARTHY of New York, Mr. SPRATT, Mr. BACA, Mr. BECERRA, Mr. MEEKS of New York, Ms. MCCARTHY of Missouri, Mr. REYES, Mr. ALLEN, Mr. SCHIFF, Mr. RODRIGUEZ, Mr. EMANUEL, Ms. HARMAN, Mr. LARSON of Connecticut, Ms. LINDA T. SANCHEZ of California, Mr. DINGELL, Ms. NORTON, Mr. LANTOS, Mr. MICHAUD, Ms. ESHOO, Mrs. LOWEY, Ms. SOLIS, Ms. DEGETTE, Mr. KUCINICH, Mr. PASCRELL, Mr. UDALL of New Mexico, Ms. MCCOLLUM, Mr. BRADY of Pennsylvania, Mr. BELL, Mr. ANDREWS, Mr. KENNEDY of Rhode Island, Mr. HOEFFEL, Mr. BALLANCE, Mr. PRICE of North Carolina, Mr. LAMPSON, Mr. WAXMAN, Mr. FILNER, Mrs. CAPPS, Mr. ORTIZ, Mr. STARK, Mr. COSTELLO, Mr. WATT, Mr. THOMPSON of California, Mr. MEEK of Florida, Ms. BORDALLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. CLYBURN, Mr. GREEN of Texas, Mr. MEEHAN, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Ms. ROYBAL-ALLARD, Mr. FALEOMAVAEGA, Mr. HILL, Mr. MCINTYRE, Mr. DAVIS of Tennessee, Mr. RAHALL, Mr. ROSS, Mr. MILLER of North Carolina, Mr. BOSWELL, Mr. UDALL of Colorado, Mr. DICKS, Mr. BISHOP of Georgia, Mr. ROTHMAN, and Mr. BERMAN):

H.R. 1102. A bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the development, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Financial Services.

By Mr. SCHIFF (for himself, Mr. MCINNIS, Mr. CASE, and Mr. BELL):

H.R. 1103. A bill to improve air cargo security; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, Mr. CHABOT, Mr. GREEN of Wisconsin, Mr. HYDE, and Mr. COBLE):

H.R. 1104. A bill to prevent child abduction, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself, Mrs. MALONEY, Mr. HONDA, Mr. LEACH, Mr. KILDEE, Ms. NORTON, Mr. WEXLER, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Ms. LINDA T. SANCHEZ of California, Mr. RYAN of Ohio, Mr. OLVER, Mr. GEORGE MILLER of California, Mr. EVANS, Ms. CARSON of Indiana, Mr. FORD, Mr. HOLT, Mrs. JONES of Ohio, Mr. CUMMINGS, Mr. BECERRA, Ms. LEE, Mr. GUTIERREZ, Ms. SLAUGHTER, Mr. TOWNS, Mr. DELAHUNT, Mr. CAPUANO, Ms. WOOLSEY, Mrs. DAVIS of California, Ms. HARMAN, Mr. MORAN of Virginia, Ms. BERKLEY, Mr. WEINER, Ms. CORRINE BROWN of Florida, Mr. UDALL of New Mexico, Mr. LANTOS, Mr. DEUTSCH, Ms. MCCARTHY of Missouri, Mr. NADLER, Mrs. JOHNSON of Connecticut, Mr. BLUMENAUER, Mr. MARKEY, Ms. HOOLEY of Oregon, Mr. SERRANO, Mr. HOEFFEL, Ms. MILLENDER-MCDONALD, Mr. BOEHLERT, Mr. SCHIFF, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. LOBIONDO, Mr. HINCHEY, Ms. DELAURO, Mr. MEEKS of New York, Mr. PASCRELL, Mr. FROST, Mr. UDALL of Colorado, Mr. CLAY, Mr. LARSON of Connecticut, Mr. MICHAUD, Mr. MCNULTY, Mrs. LOWEY, Mr. INSLEE, Mr. BAIRD, Mr. MATSUI, Mr. ACKERMAN, Mr. SANDERS, Mr. STARK, Ms. MCCOLLUM, Ms. SOLIS, Mr. FATTAH, Mrs. CAPPS, Mr. SAXTON, Mrs. TAUSCHER, Mr. BISHOP of New York, Mr. TIERNEY, Mr. KIRK, Mr. CROWLEY, Mr. GREENWOOD, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. ALLEN, Mr. ROTHMAN, Mr. VAN HOLLEN, Mr. ANDREWS, Mr. COSTELLO, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, Mr. MEEHAN, Mr. ISRAEL, Mr. OWENS, Mr. RAHALL, Mr. MOORE, Mr. THOMPSON of California, Mrs. MCCARTHY of New York, Mr. BERMAN, Mr. JEFFERSON, Mrs. NAPOLITANO, Mr. STRICKLAND, Mr. SPRATT, Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. PALLONE, Mr. FALEOMAVAEGA, Mr. LANGEVIN, Mr. LIPINSKI, Mr. HASTINGS of Florida, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Ms. DEGETTE, Mr. SMITH of New Jersey, Mr. CARDIN, Ms. ESHOO, Mr. JACKSON of Illinois, and Mr. WALSH):

H.R. 1105. A bill to designate as wilderness, wild and scenic rivers, national park and preserve study areas, wild land recovery areas, and biological connecting corridors certain public lands in the States of Idaho, Montana, Oregon, Washington, and Wyoming, and for other purposes; to the Committee on Resources.

By Mr. SIMPSON (for himself and Mr. OTTER):

H.R. 1106. A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; to the Committee on Resources.

By Mr. UDALL of New Mexico (for himself, Mr. MATHESON, and Mr. RENZI):

H.R. 1107. A bill to reauthorize funding for maintenance of public roads used by school buses serving certain Indian reservations; to the Committee on Transportation and Infrastructure.

By Ms. WATERS (for herself, Mr. CONYERS, Ms. LEE, Mr. JACKSON of Illinois, Mr. OWENS, Ms. CORRINE BROWN of Florida, Mr. RUSH, and Mr. MEEK of Florida):

H.R. 1108. A bill to require the Secretary of the Treasury to direct the United States Executive Director at the Inter-American Development Bank to use the voice, vote, and influence of the United States to urge the immediate resumption of lending to Haiti; to the Committee on Financial Services.

By Ms. LEE (for herself, Mr. FRANK of Massachusetts, Mr. CUMMINGS, Mr. OBERSTAR, Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Ms. WOOLSEY, Mr. KUCINICH, Mr. BROWN of Ohio, Mr. CONYERS, Mr. MEEK of Florida, Mr. RUSH, Mr. SCOTT of Virginia, Mr. DEUTSCH, Mr. HASTINGS of Florida, Ms. WATSON, Ms. KILPATRICK, Mrs. JONES of Ohio, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. OWENS, Mr. PAYNE, Mr. CLYBURN, Ms. CARSON of Indiana, and Mr. CLAY):

H. Con. Res. 78. Concurrent resolution expressing the need to reengage Congress and the Administration regarding the social conditions and need for poverty reduction in Haiti, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO:

H. Res. 123. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. DELAURO:

H. Res. 124. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. SMITH of Michigan (for himself, Mr. NETHERCUTT, Mr. BARTLETT of Maryland, Mr. FLAKE, Mr. DEMINT, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. DUNCAN, Mr. SAM JOHNSON of Texas, Mr. HOBSON, Mr. PETRI, Mr. YOUNG of Alaska, Mr. DAVIS of Tennessee, and Mr. COLLINS):

H. Res. 125. A resolution recognizing the thousands of Freemasons in every State in the Nation and honoring them for their many contributions to the Nation throughout its history; to the Committee on Government Reform.

By Mr. DREIER (for himself, Mrs. BIGGERT, Mr. FORD, Mr. OXLEY, Mr. PETRI, Mr. POMEROY, and Mr. ROSS):

H. Res. 127. A resolution expressing the sense of the House of Representatives that a month should be designated as ''Financial Literacy for Youth Month''; to the Committee on Government Reform.

By Mr. HILL (for himself, Mr. PENCE, Mr. VISCLOSKY, Ms. CARSON of Indiana, Mr. BURTON of Indiana, Mr. CHOCOLA, and Mr. HOSTETTLER):

H. Res. 128. A resolution congratulating Tony Stewart for winning the 2002 Winston Cup Championship; to the Committee on Government Reform.

By Mr. PALLONE:

H. Res. 129. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in commemoration of Diwali, a festival celebrated by people of Indian origin; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. BARRETT of South Carolina, Mr. HASTINGS of Washington, Mr. BOOZMAN, and Mr. COMBEST.

H.R. 20: Mr. BISHOP of New York, Mr. THOMPSON of Mississippi, Mr. ROTHMAN, Ms. MCCOLLUM, Mr. CARDOZA, Mr. BERRY, and Mr. STENHOLM.

H.R. 36: Mr. CARDOZA.

H.R. 40: Mr. HOSTETTLER and Mr. SHERWOOD.

H.R. 58: Ms. SLAUGHTER, Mr. SWEENEY, Mr. ALLEN, Mr. KINGSTON, Mr. RODRIGUEZ, Mr. HALL, Mr. BASS, Ms. CARSON of Indiana, Mr. CONYERS, Mr. MENENDEZ, Ms. HART, Mr. LANTOS, Mr. THOMPSON of California, Mrs. LOWEY, Ms. LORETTA SANCHEZ of California, Mr. BELL, Mr. SANDERS, Mr. CAPUANO, Mr. CARSON of Oklahoma, Ms. LINDA T. SANCHEZ of California, Ms. ESHOO, and Mr. GONZALEZ.

H.R. 107: Ms. LOFGREN.

H.R. 111: Mrs. CAPPS, Mr. CRENSHAW, and Mr. NUNES.

H.R. 119: Mr. BEREUTER.

H.R. 140: Mr. GORDON.

H.R. 240: Mr. PETERSON of Pennsylvania.

H.R. 278: Mr. CARTER.

H.R. 293: Mr. ISAKSON.

H.R. 294: Mrs. MCCARTHY of New York and Mr. OWENS.

H.R. 300: Mr. CUNNINGHAM.

H.R. 303: Mr. PITTS, Mr. BRADLEY of New Hampshire, Mr. KELLER, Mr. JOHN, Mr. PETERSON of Pennsylvania, and Mr. QUINN.

H.R. 339: Mr. LEWIS of Kentucky and Ms. HARRIS.

H.R. 343: Mr. GORDON, Mr. FILNER, and Mr. ALLEN.

H.R. 347: Mr. OTTER.

H.R. 349: Mr. HOSTETTLER.

H.R. 350: Mr. HOSTETTLER.

H.R. 361: Ms. LEE and Mr. BARRETT of South Carolina.

H.R. 365: Ms. LINDA T. SANCHEZ of California.

H.R. 426: Ms. WATSON and Ms. GINNY BROWN-WAITE of Florida.

H.R. 428: Mr. GREEN of Wisconsin, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. ENGLISH, Mr. WOLF, and Mr. EHLERS.

H.R. 442: Mr. ETHERIDGE.

H.R. 444: Ms. GINNY BROWN-WAITE of Florida.

H.R. 466: Mr. RUSH.

H.R. 478: Mr. OSBORNE.

H.R. 489: Mrs. MUSGRAVE, Mr. WAMP, and Mr. KINGSTON.

H.R. 498: Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, and Mr. HAYWORTH.

H.R. 501: Mr. STENHOLM.

H.R. 502: Mr. DEFAZIO.

H.R. 503: Mr. BURGESS.

H.R. 522: Mr. BACA.

H.R. 527: Mr. WALSH and Mr. OWENS.

H.R. 528: Mr. CROWLEY and Mr. EHLERS.

H.R. 545: Mr. HOLDEN.

H.R. 569: Mr. PRICE of North Carolina.

H.R. 591: Mr. ENGLISH.

H.R. 611: Ms. GINNY BROWN-WAITE of Florida.

H.R. 612: Ms. GINNY BROWN-WAITE of Florida.

H.R. 615: Ms. GINNY BROWN-WAITE of Florida.

H.R. 625: Ms. LOFGREN.

H.R. 655: Mr. DEFAZIO and Mr. PETERSON of Pennsylvania.

H.R. 662: Mr. SOUDER, Ms. DELAURO, and Mr. CARSON of Indiana.

H.R. 663: Mr. STUPAK.

H.R. 693: Mr. KENNEDY of Minnesota.

H.R. 706: Ms. SCHAKOWSKY and Mr. FRANK of Massachusetts.

H.R. 707: Mr. KILDEE, Mr. ABERCROMBIE, Ms. NORTON, Mr. MCNULTY, and Mr. ACKERMAN.

H.R. 732: Mr. HOLDEN, Mr. ORTIZ, Mr. MCCOTTER, Mr. BARTLETT of Maryland, Mr. LATHAM, Mr. DUNCAN, Mr. JOHN, Mr. RAMSTAD, Mr. BROWN of South Carolina, Mr. LEACH, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BLUMENAUER, Mr. KIND, and Mr. EMANUEL.

H.R. 735: Mr. WALSH, Ms. KAPTUR, Mr. BURTON of Indiana, and Mr. PUTNAM.

H.R. 743: Mr. CARDIN.

H.R. 745: Mr. BAIRD, Mr. ACKERMAN, and Ms. SOLIS.

H.R. 756: Mr. BAKER.

H.R. 765: Mr. KING of New York and Mr. BURGESS.

H.R. 773: Mr. MENENDEZ.

H.R. 794: Mr. REHBERG and Mr. MCINNIS.

H.R. 818: Mr. BROWN of Ohio and Ms. BORDALLO.

H.R. 819: Mr. FILNER.

H.R. 821: Ms. MCCOLLUM.

H.R. 829: Ms. SLAUGHTER, Mr. SIMMONS, Mr. TOWNS, and Mr. MENENDEZ.

H.R. 832: Ms. LORETTA SANCHEZ of California, Mr. WYNN, Mr. EMANUEL, Mr. MILLER of North Carolina, and Mrs. DAVIS of California.

H.R. 854: Mr. PITTS.

H.R. 887: Mr. BURR, Mr. SHERMAN, and Mr. LAHOOD.

H.R. 896: Mr. COBLE.

H.R. 919: Mr. EDWARDS, Mr. NUSSLE, Ms. SCHAKOWSKY, Mr. CROWLEY, and Mrs. NAPOLITANO.

H.R. 920: Mr. FROST, Mr. RANGEL, Mr. KILDEE, Mr. OWENS, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 931: Mr. LAHOOD.

H.R. 933: Mr. UDALL of New Mexico.

H.R. 936: Ms. CARSON of Indiana, Mr. WEINER, Mr. CASE, Mr. FRANK of Massachusetts, Mr. CROWLEY, Mr. CUMMINGS, Mr. HINCHEY, Mrs. JONES of Ohio, Mr. PALLONE, and Ms. CORRINE BROWN of Florida.

H.R. 941: Mr. TOWNS.

H.R. 953: Mr. TURNER of Texas, Ms. LINDA T. SANCHEZ of California, Ms. ESHOO, Mr. CLAY, Mr. EVANS, and Ms. BALDWIN.

H.R. 955: Mr. BOYD, Ms. DELAURO, Ms. KAPTUR, Mr. BAIRD, Mr. REHBERG, Mr. SABO, Mr. BASS, Mr. BRADLEY of New Hampshire, Mr. WAXMAN, Mr. DOGGETT, Mr. SANDERS, Mr. MCHUGH, Mr. BOUCHER, Mr. THOMPSON of Mississippi, Mr. KOLBE, Ms. HOOLEY of Oregon, Mr. MORAN of Virginia, Ms. HARMAN, Mr. KILDEE, Mr. MCDERMOTT, Mr. LARSEN of Washington, Mr. LYNCH, and Mr. FRANK of Massachusetts.

H.R. 976: Ms. BALDWIN and Ms. LOFGREN.

H.R. 980: Mr. STRICKLAND, Mr. NETHERCUTT, and Mr. CUNNINGHAM.

H.R. 995: Mr. WILSON of South Carolina, and Mr. BARTLETT of Maryland.

H.R. 1005: Mr. RADANOVICH, Mr. WHITFIELD, Mr. BISHOP of Utah, and Mr. WALDEN of Oregon.

H.R. 1031: Mr. HASTINGS of Florida, Mr. OWENS, Ms. MILLENDER-MCDONALD, Ms. NORTON, and Mr. BERMAN.

H.R. 1033: Mr. HASTINGS of Washington.

H.R. 1077: Mr. MILLER of North Carolina.

H. Con. Res. 23: Mr. KING of Iowa, Mrs. MCCARTHY of New York, and Mr. HASTINGS of Washington.

H. Con. Res. 26: Ms. ROS-LEHTINEN and Mr. LATOURETTE.

H. Con. Res. 37: Mrs. MALONEY.

H. Con. Res. 52: Mr. OSBORNE, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, and Mr. LAHOOD.

H. Con. Res. 59: Mr. BOSWELL.

H. Res. 59: Ms. LORETTA SANCHEZ of California, Mr. FRANKS of Arizona, and Mr. FOLEY.

H. Res. 108: Mr. CROWLEY and Mr. WYNN.

H. Res. 118: Mr. WEXLER.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

1. The SPEAKER presented a petition of the Legislature of Putnam County, New York, relative to Resolution No. 249 petitioning the United States Congress to support the New York State Association of Counties' (NYSAC) call upon the President and the United States House of Representatives to support an increase in the federal medical assistance percentage (FMAP) to provide New York's local taxpayers with relief from the crushing financial burden of the Medicaid program; to the Committee on Energy and Commerce.

2. Also, a petition of the Broward County Board of County Commissioners, Florida, relative to Resolution No. 2002-918 petitioning the United States Congress to support the establishment of a south Florida science center proposed to the U. S. Geological Survey by a university consortium comprised of NOVA Southeastern University, the University of Florida and Florida Atlantic University; to the Committee on Resources.

3. Also, a petition of The Ciy of Miami Commission, Florida, relative to Resolution No. 02-1014 petitioning the United States Congress that the city attorney is directed to request the United States Department of Justice to monitor voting in the City of Miami at the November 5, 2002 election to assure the rights of individuals to vote; to the Committee on the Judiciary.

4. Also, a petition of the Leelanau County Board of Commissioners, Michigan, relative to Resolution No. 2002-024 petitioning the United States Congress to support legislation that would establish a federal/state partnership to use the knowledge and skills of the local County Veterans Service Officers to assist the United States Department of Veterans Affairs in eliminating the veterans claims processing backlog in order that America's veterans can take advantage of the benefits that the United States has authorized for them, for their faithful and loyal service to a grateful nation; to the Committee on Veterans' Affairs.

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PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, MARCH 5, 2003 *No. 35*

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Michael J. Flavin of the Presbyterian Church of New Providence, New Providence, NJ.

PRAYER

The guest Chaplain offered the following prayer:

Dear Father who is in heaven, You are a God of justice and grace, power and love, and above all else—freedom. It is You who puts a hunger for freedom in each of our hearts. It is You who sent Your Son to die that we might be set free. It is You who guided America's founders to build on the firm foundation of freedom. And it is You who has given us gifted leaders determined to protect that freedom. Thank you!

Father, You know these are difficult days. The weight of leadership rests heavy on the shoulders of the women and men of this Senate. So, we pray for them this morning. Please encourage them. Be very present here. In the words of the prophet Isaiah, please empower, renew, and strengthen them. In so doing may these women and men walk and not faint, run and not be weary. May they mount up with wings like eagles today.

Similarly, we pray with the Apostle Paul that You would give them not a spirit of timidity but a spirit of power—Your power, love—Your love and self control—Your self control. We pray that these three qualities would be here in abundance today.

Lord, because of You we approach the future with confidence and great hope. May Your Kingdom come, may Your will be done in this Chamber and throughout the earth as it is in heaven. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore. Senator BENNETT, will you lead us in the Pledge of Allegiance, please.

The Honorable ROBERT F. BENNETT, a Senator from the State of Utah, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the acting majority leader.

SCHEDULE

Mr. BENNETT. Mr. President, today there will be a period of morning business until the hour of 11 a.m. The first half of morning business will be under the control of the Democratic leader or his designee, and the second half will be reserved for this side of the aisle. At 11 a.m., the Senate will resume consideration of the nomination of Miguel Estrada.

As a reminder, a cloture motion was filed on that nomination yesterday. Therefore, the vote will occur sometime on Thursday morning. We will announce the precise time of that vote later today.

At 12 noon today, the Senate will begin consideration of the Moscow Treaty. Under the consent agreement reached yesterday, only amendments in order to the resolution of ratification are those that are relevant to the resolution or the treaty. It is my understanding that there will be relevant amendments offered by some of my colleagues on the Democratic side, and therefore rollcall votes are expected today. Members who desire to offer amendments to the Moscow Treaty should work with the chairman and the ranking member of the Foreign Relations Committee to set up the appropriate time for consideration of their amendments. The Senate will complete action on the Moscow Treaty this week.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I haven't had an opportunity to check with floor staff, but I want to alert Members. At 11 o'clock, Senator ROBERTS and I, who were chairman and ranking member of the committee for many years, are going to make a statement on a longtime person who is leaving. We will work this out. I want to alert Members that we would like to have about 10 or 15 minutes between us at that time to speak about someone who is leaving and who has been involved in the committee work for many years.

The PRESIDENT pro tempore. The Senator from New Jersey is recognized.

THE GUEST CHAPLAIN

Mr. LAUTENBERG. Mr. President, I rise today to welcome Dr. Michael J. Flavin to the Senate. Dr. Flavin comes to us from New Providence, NJ and we are very happy that he is joining us today as the Senate's Guest Chaplain. Dr. Flavin received his Bachelor's Degree from Bemidji State University and he currently serves as Associate Pastor at New Providence Presbyterian Church in New Providence. He received his theology degree from Bethel Seminary and his doctorate from Eastern Theological Seminary. He spends much of his time working with students.

I am always excited when we can welcome someone from New Jersey to the Senate Chamber and I am honored to welcome Dr. Michael J. Flavin to lead us in our morning prayer.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BROWNBACK.) Leadership time is reserved.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the of hour of 11 a.m. Under the previous order, the first half of the time shall be under the control of the Democratic leader or his designee.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LAUTENBERG pertaining to the submission of S. Con. Res. 13 are printed in today's RECORD under ''Statements on Submitted Resolutions.'')

Mr. LAUTENBERG. Mr. President, I send the resolution to the desk and ask unanimous consent that it be held there.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from New Jersey. I think the resolution that he and other colleagues bring before us is certainly one that should be considered seriously for those who are committed to human rights.

THE STATE OF THE AMERICAN ECONOMY

Mr. DURBIN. Mr. President, I would like to move the spotlight of the comments on the Senate floor this morning from the international scene to the domestic scene, and point to the front page headline of the New York Times, Wednesday, March 5: ''U.S. Budget Deficit Seen Rising Fast.'' This is an analysis that they report which comes from the Republican-controlled House Budget Committee. It is a startling piece of information. I will read the first two paragraphs from this article:

> The federal deficit is growing much more quickly than expected, even before Congress takes up President Bush's tax-cutting proposals and without factoring in the costs of a war in Iraq, Congressional analysts have concluded.
>
> Analysts for the Republican-controlled House Budget Committee have raised their estimates of this year's budget shortfall by about $30 billion, some 15 percent beyond the forecast . . . issued only five weeks ago.

We come today to discuss many issues, but certainly one of the overriding issues is the state of the American economy and what we are doing on Capitol Hill to deal with the challenges we face.

There was a time, not that long ago, when the Republican leaders, conservative in philosophy, really condemned the whole problem of deficits in our country and said they were dedicated to eliminating them. Now we hear from Treasury Secretary Snow and others that deficits are meaningless: Don't worry. Be happy.

The concept of going to a $400 billion deficit next year is not only a troubling prospect but represents a dramatic turnaround in terms of Federal spending in Washington, DC.

When this President came to power—President George W. Bush—he inherited a surplus. He came into office with a set of circumstances that any President, any Executive, would be happy to find. We had reached the point where we were not overspending.

Of course, the President, as he came to office, saw the beginning of a recession which has become progressively worse under his administration to the point now where we see consumer confidence at historic lows, unemployment at historic highs, people in business across America depressed and sometimes despondent over whether we are going to find our way out of this budget problem.

Second, the President—and this, of course, in fairness, is not his doing by any means—inherited the age of terrorism and the threat of terrorism which has created a dampening problem across the economy that cannot be diminished. That is a major factor.

So he has a recession which has become progressively worse while he has been in the White House, terrorism which has cast a pall over the economy, but then this President made matters worse. Two years ago he said to this country, even though we are facing deficits, the thing we should do first is to cut taxes. Any politician who announces a tax cut is going to get applause. People love that idea. Of course, they would, to think they would have more money that is not taken by the Government. But the President came up with this proposal at exactly the wrong time in exactly the wrong way. In a deficit situation, he made it worse.

Two years ago, he proposed a tax cut which took more money out of the treasury and, frankly, did not invigorate the economy. He gave a tax cut to the wealthiest people of America. It is the age-old Republican approach. They believe if tax cuts are given to the wealthiest people, somehow that will eventually help middle-income families and those in the lower income categories. It didn't work 2 years ago. People in the lower income categories saw a $300 check, and they didn't change their lifestyle. It did not invigorate the economy. Things went from bad to worse. Now this President comes and tells us what we need for the economy is more of the same, tax cuts for the wealthiest people.

Quite honestly, if it didn't work 2 years ago, it is not going to work now. It won't invigorate the economy. It will drive up the deficit at a time when the bottom is falling out of the Federal budget.

Don't take my word for it. The Republican House Budget Committee tells us we are about to see a record deficit. This President's proposal for tax cuts over a 10-year period of time will dramatically increase the national debt. It means our children and our grandchildren will have to shoulder the burden of the debt we are leaving them. It means programs such as Social Security are likely to languish and suffer because of this President's reckless economic policies.

To think this deficit is coming out of the Social Security trust fund should give us all pause. You know the demographics. The baby boomers are about to reach an age when they qualify for Social Security and Medicare. We should be mindful of that. We should be preparing for that. We should be cautious and prudent.

Instead, this White House and many who support it have said: Forget it; don't worry about it. Keep borrowing money from the Social Security trust fund. Keep jeopardizing the future of Medicare, drive up the deficits, increase the tax cuts so that tax breaks can be given to the wealthiest people.

Why in the world would we follow this course of action? Those who call themselves conservatives should have an examination of conscience, as the nuns used to tell me many years ago in grade school. They should sit down and ask themselves, Is this really why I came to Congress, to build up a national debt to record levels?

Let me add one important footnote. There is another tax out there that this administration will not talk about. It is called the alternative minimum tax. It was created years ago to make sure people who escaped all tax liability, people in the highest income categories, would pay something, an alternative minimum tax. But sadly, this tax, without reform, has grown in terms of its application, has grown in terms of the people who are being affected by it to the point that in just a few years you will see more and more middle-income Americans paying more in an alternative minimum tax than they are paying in their regular income tax rates.

Who will be the people affected by this? People with incomes below $100,000, middle-income families. People with a teacher in the family and a policeman, for example, will find themselves paying an alternative minimum tax.

What does it take to fix this problem? A lot of money; to eliminate it, $600 billion that this President has not budgeted for.

This President and his administration refuse to tell Congress and the people what we are getting into in terms of our exposure in the war in Iraq, how much it will cost. Larry Lindsey, the President's economic advisor until he was asked to leave a few weeks ago, blurted out that this war

would cost us $100 to $200 billion. He was asked to leave the administration for his candor. Now we can't get the administration to even tell us what this war, not only the waging of it but the cost of the occupation force afterwards, is going to cost. It isn't even factored into the budget deficit.

Make no mistake, I will say this as a person who has questioned this administration's approach on foreign policy. If and when this war begins, I will join an overwhelming bipartisan majority in Congress to provide every penny necessary to wage this war successfully and bring our men and women home safely, having completed their mission. We are going to do that. It is a given. To ask the administration what this is likely to cost is not unreasonable. We went into a bidding war over the last several weeks when it came to Turkey, how much money we would send to Turkey, if they would allow us to base our troops there for an invasion of Iraq. The numbers went from $15 billion to $26 billion. We were bidding right and left. What is it going to cost overall?

This administration is not putting money into homeland security. This administration is not budgeting what it takes to defend America against terrorism. We are budgeting what it takes to prepare to attack in Iraq; we are not budgeting what it takes to prepare to defend in America.

When all these are put together, understand that we are headed down a perilous course with President Bush's economic policy. It is a course which, frankly, is not going to invigorate the economy; it is not going to create jobs; it will not create consumer confidence. It will create a debt and deficit at the expense of Social Security and Medicare for generations to come. We should not, in a weak moment, rally behind a President who clearly is on the wrong course when it comes to America's economy. We need to stand up and make certain that we are going to work for a sound economy, a fiscal approach that is prudent and cautious and takes into consideration the needs of America in the long term.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent—this has been cleared with the majority—that the Democrats be entitled to 45 minutes in morning business, and the Republicans 45 minutes, because of the prayer.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Michigan.

MEDICARE

Ms. STABENOW. Mr. President, I rise to thank my colleague from Illinois for his eloquence regarding the direction of our economy and the Federal budget and the grave concern he has that I share about the looming and massive long-term debt that is accumulating by the policies of this administration.

When we look at where we are going and the fact that the entire Medicare and Social Security trust funds are currently being used to fund tax cuts geared to the very top, the very wealthiest 1 percent, and when we look at the discussions we are having in the Budget Committee, we begin to see a picture that is disturbing. Because when we ask what will happen, when we are using all of these funds for other purposes, and we know that in just a matter of a few years, the baby boomers will begin to retire en masse and they have the expectation, as they should, that Social Security and Medicare will be there for them, they have paid into the system, and we are told, when we ask, how will we afford that, how will we be able to keep that commitment, well, that assumes that Medicare and Social Security will be structured the way they are today. That assumes there will be no reform.

What is becoming clear is that reform is a code word for privatizing; that there is a real interest, a commitment and movement to privatize or eliminate Medicare and Social Security, as we know it, in the long term.

Today I wish to speak again very specifically about Medicare because I believe that is the most imminent threat because the debate that has occurred since 1965, when Medicare passed, in various forms is occurring yet again today. That is the question of whether Medicare is a big American success story, which I believe it is, or just a big Government program, which I believe this administration feels it is.

I wish to speak specifically about special interest politics versus the needs of the public, the willingness to provide tax policy that benefits only a few, rather than the middle class, and small businesses that drive our economy, as well as the fact that in Medicare, we are seeing a willingness to move the system in a way that benefits, again, special interests over the needs of all of our seniors and the disabled in our country.

On page A6 of the Washington Post this morning, there is a very disturbing article. It says: ''Bush Plan a Boon to Drug Companies.'' The President went before the American Medical Association yesterday and spoke about his plans for Medicare, again using the word ''reform,'' which we know now is a code word for ''privatization.'' Reform equals privatize when we talk about this issue of Medicare. We now find that it also directly relates, once again, to special interest politics, which is very disturbing.

The second headline is: ''Medicare Prescription Proposal Would Also Benefit Insurers, Analysts Say.'' Not the insured, not the seniors about whom we all talk, not the disabled people about whom we all talk, but the insurance industry.

It begins:

Health care economists said the drug benefit President Bush proposed for Medicare yesterday would be a bonanza for the pharmaceutical and managed-care industries, both of which are huge donors to Republicans.

It went on to say:

Marilyn Moon, a health economist at the Urban Institute, said Bush's plan would hand tremendous negotiating power to health insurance companies.

''By making the private plans such a central part of the future of Medicare, the government is going to have to meet their demands for greater contributions to the cost of care, over and above the subsidy for prescription drugs,'' Moon said.

Bush's proposal is vague on many points, including the terms for insurers. Tricia Neuman, a vice president of the Kaiser Family Foundation, said the plan would have to provide a windfall for the companies—

''Would have to provide a windfall for the companies.''

or too few would participate for the plan to work.

The analysts said drug companies also could be expected to reap huge profits under Bush's approach.

Huge profits under Bush's approach. We have to ask ourselves: Is that the purpose of Medicare? Is that the purpose of health care? Is it the same as purchasing a pair of tennis shoes, purchasing soup, purchasing a new shirt so that we are talking about what profit margin we have off our Medicare recipients, or is the goal to make sure we have quality health care for every senior citizen?

I believe it is our responsibility to make sure this is a streamline system with as few dollars as possible going into administration and that the dollars should go directly to health care for our seniors, not into huge profits. We welcome profits in many areas. We need profits in our economy. We want businesses to be successful. But when we are talking about Medicare, we have a different priority in what we need to do to help our seniors make sure they have care.

To continue with the article:

Bruce C. Vladeck, who was President Clinton's head of the federal agency that runs Medicare, said Bush's plan ''strikes me as the kind of proposal that pharmaceutical companies would write if they were writing their own bill.''

These are the kind of comments we heard last year when we were debating prescription drug coverage and were told—in fact, we heard comments coming from staff in the House quoted in the paper as to how they were running their proposals by the pharmaceutical industry to make sure they were OK. It is clear this one is OK, and we should all be very concerned about who we are trying to help.

Continuing to quote:

''A slew of private health plans would have nowhere near the negotiating power that Medicare would have if there was national drugs benefit,'' said Vladeck, now a health

policy professor at Mount Sinai School of Medicine in New York City.

If Bush's proposal were enacted, it could provide a high-profile benefit for industries that are reliable donors to Republican candidates and committees. The Center for Responsive Politics said that for the past two elections combined, pharmaceutical manufacturers gave $30 million to Republicans and $8 million to Democrats.

Health service companies and HMOs, a leading form of managed care, donated $10 million to Republicans and $5 million to Democrats over the past two elections, according to the center's figures.

This should be a deep concern of every American, as well as my colleagues on both sides of the aisle and on the other side of this building about how this issue is being framed because of the realities it points out what is really going on with this issue.

I will make one more point. The article continues, quoting President Bush yesterday:

Bush, promising to bring more free enterprise to medicine, denounced ''government-run health care ideas.''

I have been saying for a long time that those who want to privatize Medicare believe that Medicare is a big Government-run program, and there is a major philosophical difference that has gone on since 1965 when only 12 colleagues from the other side of the aisle joined in passing Medicare. There is a huge chasm of difference as to whether we ought to even have Medicare.

Fundamentally, that is what this debate is about. It is not about what the premiums should be, what the copay should be. It is about who runs the system as to whether there should be a guarantee so that every person who turns 65 and gets that Medicare card knows they can choose their doctor, that they can get the medicine they need, that they know what the copay is, what the premium is, regardless of where they live in the country.

In a State such as Michigan, where we have the major metropolitan area of Detroit all the way up to Ironwood, MI, in the western part of the UP, people today know that under Medicare they can get the health care they need. That was a promise made by the United States of America in 1965, and now under a lot of different pretty words, a lot of different connotations of reform, we see an effort clearly outlined—and even in the President's own words—to put more free enterprise into the health care system. That is privatizing the health care system. That is privatizing Medicare.

In general, I do believe there is an important partnership between the public and the private sector. We have an employer model of health care in this country that has worked for workers and their families. I appreciate there is a benefit in having partnerships.

We have said as a country that once an American citizen reaches the age of 65 or they are disabled, we think it is important that whether one has private plans in their community, whether they can find them and/or whether they can afford them, they should be able to have health care. The reason Medicare came into being was that over half the seniors could not find or afford private insurance. That is why Medicare was created.

I, for one, will not quietly stand by to see a promise of some 38 years eroded by this administration or in this Congress. I know there are colleagues of mine on both sides of the aisle who have concerns. I am hopeful we can come together under Medicare.

What is very clear is—and in this article the outside analysts, independent voices, are saying—the fight is about how we administer the prescription drug benefit. The companies want to keep it disbursed in the private sector because they know if the some 40 million beneficiaries of Medicare today are in one insurance plan, they will be able to negotiate a group discount for the first time. They will not be paying retail. They will not be paying the highest prices in the world in order to get their medicine. They will be able to get a group discount.

The fight is on to make sure that seniors in this country do not have the collective power to be able to get that discount through Medicare. That is what this is about. It is one of the most fundamental fights we will have in this Congress and on the floor of the Senate, and I hope my colleagues on both sides of the aisle will come together and be willing to stand up and say Medicare works, Medicare is a great American success story, and we continue to promise that the Medicare plan will be there for every single senior and the disabled in our country.

This is a fundamental fight, and I hope my colleagues will join me in making sure this plan that is passed is not a boon for the drug companies or for the HMOs but is a boon for the seniors of America.

ECONOMIC STIMULUS

Ms. STABENOW. I move now to another very important topic, and that is the question of stimulating this economy. We know that to get out of the massive debt that is being accumulated, we have got to stimulate the economy. We have to reverse the trend right now. We have seen over 2 million private sector jobs lost in the last 2 years. We have to go back to the Eisenhower Presidency to find those kinds of numbers, those kinds of huge private sector losses and this massive debt. We know that has to be turned around.

Part of what needs to happen to begin to get us back to the balanced budget and out of this massive debt, so we can protect Social Security and Medicare, is to stimulate the economy and create jobs. I am very proud to be a part of an effort to do that.

We have in front of us a Democratic plan that has been introduced by our leader and Members in our caucus. It will provide immediate relief for families through a broad-based tax cut that is on the front end, a tax cut to the middle class and to those in our country who we know will turn around and buy those school clothes or a new car—and coming from Michigan, I am always hopeful it is a new American-made car—and purchasing that new home and all of those things that stimulate the economy, rather than giving the tax relief to somebody who has three homes or has five cars and is not likely to buy another one.

What we want is to put that tax cut in the hands of middle-class people, working people, who will spend it now, so that our businesses will see the demand. Right now, newspaper headlines this week in Michigan relate to the auto industry cutting back on the building of new cars because the demand is not there.

We have a proposal that relates to demand, not trickle-down economics from the top but demand, to put money in the pockets of people who will spend it. That is exactly what our proposal would do. It would provide about a $1,200 tax cut this year for a family of four. It would also provide tax incentives to encourage businesses to invest and create jobs, and it would increase the current multiyear bonus depreciation so if one invested now, they would get a bonus depreciation, which is very important.

It would triple the amount of investments small businesses can write off immediately, and this is very important because the majority of new jobs are coming from small business. We need to be focusing on tax policies that will help and support job creation in small business.

It would provide a 50-percent tax credit in 2003 to help small businesses pay for their share of health insurance premiums. This relates very much to the broader question of health care and where we are going.

Later today, we are going to be introducing legislation to cut the price on prescription drugs so we can bring that health insurance premium down for small businesses. It would provide a 20-percent tax credit in 2003 for businesses investing in broadband, high-speed Internet infrastructure, focusing on rural areas, underserved areas. This is very important. We are in a high-tech new economy, and broadband access is critical as we move forward to be able to compete in the new world of high technology and helping small businesses invest, particularly in our rural areas, the hard-to-reach areas. It is an important part of our economic development structure.

Another important piece we believe must be addressed now is to provide $5 billion for hometown security that would make sure that as we are investing in the economy, we are also making sure we are safe at home. When people have an emergency, they call 9–1–1. We want to make sure people on the other end of that line have the communications equipment, the technology, the training, and the personnel

to respond in a way that will keep us safe.

We also know that part of what is happening economically across the country now is that we are seeing a ripple effect because the majority of States are in a financial crisis because of the downturn in the economy and other factors, so that as they lay off, and people are spending less because they are laid off from State or local governments, there is this ripple effect throughout the economy.

In addition to putting money directly into people's pockets, we also propose putting money into the pockets of the small business owner. We propose providing dollars in immediate aid to State and local governments so that we are not seeing that ripple effect in terms of people losing their jobs, losing purchase power in the economy. We all know common sense says if we can provide money to State, local, and municipal governments and they can focus on immediate infrastructure such as rebuilding roads, water systems, sewer systems, we create good-paying jobs by doing that, such as construction jobs. We take burdens off local property taxes, which helps individuals and businesses, and we can again stop the bleeding that is occurring right now in the States with more and more people losing their jobs and thus losing purchasing power in the economy. This is of great urgency.

We come to the floor each day to ask that we immediately go to an economic stimulus package that will get America back to work, will put money in the pockets of individuals and businesses that can get the job done, that can stimulate this economy, to help our hometown security, and to make sure that we are helping to rebuild America, which also rebuilds jobs.

UNANIMOUS CONSENT REQUEST—S. 414

Ms. STABENOW. With all sense of great urgency, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 21, S. 414, a bill to provide an economic stimulus package.

The PRESIDING OFFICER. In my capacity as the Senator from South Carolina, I object to the unanimous consent request.

Ms. STABENOW. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TREATY ON STRATEGIC OFFENSIVE REDUCTIONS

Mr. ALLARD. Mr. President, I understand that the remaining time is Republican time. I am going to go ahead and start making some comments. We are doing some checking. Maybe I will ask unanimous consent to get some time for my colleague from Oregon. In the meantime, I will go ahead and start my comments.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Chair. I appreciate the opportunity to add my thoughts to this body's consideration of the Treaty on Strategic Offensive Reductions, otherwise known as the Moscow Treaty. My understanding is that this afternoon it will be brought before the Senate. We are at a pivotal moment in our country's history. In many ways, the Senate's advise and consent to this treaty will mark the end of an era of hostility and the beginning of an age of cooperation.

It is more than a document; it is a signal to the world that the United States and Russia have moved beyond a relationship of conflict and brinkmanship to a relationship of mutual respect and shared values.

We all remember the super-power rivalry between the United States and the Soviet Union, which lasted over 45 years. I believe it is important for this debate to recall the tension and hostility that accompanies that time so that we may fully appreciate what this treaty symbolizes for the future of U.S.-Russian relations.

In 1947, a little-known foreign service officer named George Kennan under the pseudonym 'X' wrote an essay that was published in Foreign Affairs journal that was to define our approach to the Soviet Union for the next fifty years. In his essay, he described the Soviet ideology as the belief in the ''basic badness of capitalism, in the inevitability of its destruction, in the obligation of the proletariat to assist in that destruction and to take power into its own hands.''

This ideological bent would manifest itself, Mr. Kennan predicted, in an ''innate antagonism'' between the Soviet Union and Western world. He said that we should expect secretiveness, a lack of frankness, duplicity, a wary suspiciousness, and the basic unfriendliness of purpose. Mr. Kennan warned us that the Soviet government might sign documents that might indicate a deviation from this ideology, but that we should regard such actions as a ''tactical maneuver permissible in dealing with the enemy (who is without honor) and should be taken in the spirit of caveat emptor''. As we discovered in the decades following, Mr. Kennan was right.

The Soviet Union did indeed devote itself to exporting its ideology around the world. Its foreign policy was marked by antagonistic rhetoric and provocative actions. It signed arms control agreements and then violated them. The Soviet Union invaded its neighbors, launched proxy wars, and encouraged revolution and instability. It repeatedly proved capable of exploiting weakness and political divisions. And it was successful at taking advantage of geopolitical realities. As a result, Angola, Afghanistan, Ethiopia, Cuba, Nicaragua, El Salvador, Honduras, Granada, Vietnam, Korea, Somalia, Yemen, Greece, and Turkey all become Cold War battlegrounds.

For the most part, the United States followed Mr. Kennan's advice. We strove to contain Soviet expansionist tendencies. We forced back Soviet advances. We were firm. We were patient. And, in 1991, with the fall of the Soviet Union, our patience paid off.

It is important that we recognize that the Russia of today is nothing like the Soviet Union of yesterday. Under the leadership of President Putin, economic and political reforms are being enacted. Russia is no longer bound by a defunct ideology. The country has stepped away from its past and has worked with sincerity to help resolve many of the challenges facing the international community.

Russia has also sought to improve its relationship with the Western world. It went eventually along with inclusion of the Baltic states into the NATO Alliance, despite harboring deep concerns. Russia accepted our withdrawal from the Anti-ballistic Missile Treaty. After September 11, Russia assisted the United States in the war against terrorism by sharing intelligence information and raising no objection to the stationing of U.S. troops in the former Soviet states in Central Asia. Once inconceivable, it is now possible to imagine Russia joining the World Trade Organization and even NATO in the near future.

Another sign of improved relations between the U.S. and Russia is the treaty currently before us. The Treaty on Strategic Offensive Reductions is much different from arms control treaties agreed to during the Cold War. The text of treaty epitomizes this new relationship. Both parties pledge to:

> Embark upon the path of new relations for a new century and committed the goal of strengthening their relationship through cooperation and friendship.
>
> Believe that new global challenges and threats require the building of a qualitatively new foundation for strategic relations between the Parties.
>
> Desire to establish a genuine partnership based on the principles of mutual security, cooperation, trust, openness, and predictability.

The Joint Declaration by Presidents Bush and Putin that accompanied the treaty further expounds upon this new relationship. Let me read a couple of pertinent sections from that declaration:

> We are achieving a new strategic relationship. The era in which the United States and Russia saw each other as an enemy or strategic threat has ended. We are partners and we will cooperate to advance stability, security, and economic integration, and to jointly global challenges and to help resolve regional conflicts.
>
> We will respect the essential values of democracy, human rights, free speech and free media,tolerance, the rule of law, and economic opportunity.

We recognize that the security, prosperity, and future hopes of our peoples rest on a benign security environment, the advancement of political and economic freedoms, and international cooperation.

What is most notable about the Moscow Treaty as submitted to this body is the absence of certain provisions that normally marked Cold War era arms control treaties. Those provisions were based on distrust and antagonism. Instead, this treaty utilizes confidence-building measures based on trust and friendship.

For instance, the treaty does not establish interim warhead reduction goals or provide a detailed schedule for the reductions. The absence of such goals or schedules gives both sides flexibility over the next nine years to reduce their warheads at a pace of their own choosing.

Another missing element is precise counting rules. The Strategic Arms Reduction Treaty of 1991 provided such complex counting rules that it frequently resulted in overcounting and undercounting. Minor disparities in deployed and ''counting'' forces are no longer a significant issue given the confidence building measures included in the treaty and our positive relationship with Russia.

It should be noted that the Moscow Treaty does continue the START I verification regime, which permits on site inspections and continuous monitoring. The Moscow treaty also creates a new Bilateral Implementation Commission that will be used to any raise concerns that might arise about treaty compliance and transparency. These measures, plus our own technical means, will provide the U.S. government with significant confidence that it can monitor Russia's activities.

The Moscow Treaty is similar to previous arms control agreements in one significant way: it does not require the dismantlement of warheads. Neither Russia nor the United States sought the dismantlement for two reasons. First, the dismantlement in the past has been considered inherently unverifiable. There is no established process for dismantling warheads that can provide assurance to each party.

Second, the U.S. intends to keep some warheads in ''ready reserve.'' Such a reserve is essential if we are to retain the capability to respond to changes in the security environment and quickly replace dysfunctional warheads.

I also think it is instructive to look at the process by which the Moscow Treaty was put together and how different these negotiations were from negotiations that occurred during the cold war. Secretary of Defense Donald Rumsfeld remarked on the difference during a Senate Armed Services Committee hearing last July. Here is what he said:

. . . it's significant that while we consulted closely and engaged in a process that had been open and transparent, we did not engage in lengthy adversarial negotiations in which U.S. and Russia would keep thousands of warheads that we didn't need, as bargaining chips. We did not establish standing negotiating teams in Geneva with armies of arms control aficionados ready to do battle over every colon and every comma. . . . An illustration of how far we have come is the START treaty. . . . It is 700 pages long, and it took nine years to negotiate. . . . The Moscow treaty . . . is three pages long and it took five or six months to negotiate.

Let's take a few moments to review some of the Moscow treaty's provisions. The treaty requires the reduction of strategic nuclear warheads by each party to a level of 1,700–2,200 by the end of 2012. Each side currently has about 6,000 warheads. This treaty means a reduction of over 8,000 nuclear warheads.

The treaty allows both parties to restructure their offensive forces as each sees fit, within the prescribed numerical limit. This provision gives each flexibility to meet the deadline and permit each party to determine for itself the composition and structure of its strategic offensive arms.

The Treaty mandates that the parties will meet at least twice a year as part of a Bilateral Implementations Commission.

The Treaty allows each party, in exercising national sovereignty, the ability to withdraw from the treaty upon three months written notice.

As you can see, the treaty is simple, straight-forward, and gives each party maximum flexibility.

Last summer, the Senate Armed Services Committee held two important hearings on the national security implications of the treaty. Witnesses included: Secretary of Defense Donald Rumsfeld; Chairman of the Joint Chiefs of Staff, General Richard Myers; Combatant Commander, U.S. Strategic Command, Admiral James Ellis; and Deputy Administrator of the National Nuclear Security Administration of the Department of Energy, Dr. Everet H. Beckner. The witnesses at the Committee hearings unanimously supported ratification of the Moscow Treaty. The Chairman of the Joint chiefs, General Myers said,

The members of the Joint Chiefs of Staff and I all support the Moscow Treaty. We believe it provides for the long-term security interests of our nation. We also believe that it preserves our flexibility in an uncretain strategic environment.

Admiral Ellis added that,

This treaty allows me, as the Commander of the nation's Strategic Forces, the latitude to structure our strategic forces to better support the national security pillars of assuring our allies, dissuading those who might wish us ill, deterring potential adversaries and, if necessary, defending the nation. . . . [I]n my judgment, this treaty provides me the ability to prudently meet those national security needs and to provide a range of deterrent options to the Secretary and the President for their consideration should the need arise. . . .

I believe it is important to recognize the flexibility that this treaty gives the United States. While the U.S. nuclear stockpile may contain a large number of warheads, we only have six types of warheads, and none of these have been tested in over a decade. The average age of warheads in the U.S. stockpile is approaching 20 years—and some warheads are much older. Despite the improved effectiveness of the stockpile stewardship program, problems in the stockpile do occur. Having the responsive reserve, as envisioned by the administration, enables us to address problems in the stockpile without compromising our national security interests. This treaty is simple, flexible, and makes sense. It is a signal that the hostility of the cold war has been buried and forgotten. It has been 12 years since the collapse of the Soviet Union, and clearly it is time to move one.

As we consider this treaty, we should also keep the future in mind. I share Secretary Rumsfeld's vision for future negotiations with Russia as he described it at July 26 Armed Services Committee hearing. He said,

We are working towards the day when the relationship between our two countries is such that no arms control treaties will be necessary. that's how normal countries deal with each other. The United States and Britain both have nuclear weapons, yet we do not spend hundreds of hours negotiating the fine details of mutual reductions in our offensive systems. We do not feel the need to preserve the balance of terror between us. It would be a worthy goal for our relationship with Russia to evolve along that path.

I could not agree more with the Defense Secretary's vision. Russia and the United States are no longer adversaries and therefore should not treat each other as such.

I understand that my good friend, Senator JOHN WARNER, Chairman of the Armed Services Committee, has written to the Senate Foreign Relations Committee expressing his strong support for the Moscow treaty. I join him in that support. I believe the Senate should provide its advice and consent to the ratification of the treaty with no further changes or additional conditions to the resolution of ratification.

Some of my colleagues may offer well-intentioned amendments that might attempt to add reservations, understandings, or declarations. I appreciate their desire to amend the treaty, but I think we should keep in mind that the Senate Foreign Relations Committee unanimously approved this treaty without amendment, and the resolution of ratification before us today has only tow modest conditions. The President has indicated his opposition to any amendment to the resolution. Therefore, I encourage my colleagues to oppose all amendments. I believe it would be best for our nation security interests if this treaty remained unencumbered by items that will complicate the treaty and reduce our flexibility.

Mr. President, I thank you for the opportunity to share my views on this important treaty. I look forward to a healthy debate on this issue. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 15 minutes on the time the Democrats have with respect to the Estrada nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Thank you very much, Mr. President, for your courtesy earlier in the morning.

THE HEALTH CARE THAT WORKS FOR ALL AMERICANS ACT

Mr. WYDEN. Mr. President, right now the eyes of the Nation are focused on international crises. The threat of war with Iraq, the conflict at the United Nations, and a diplomatic standoff with North Korea are all critical issues about which this country is concerned.

But here at home there is a domestic crisis of massive proportions that affects the lives of millions of Americans each day; that is, the failure of our health care system to work for all Americans.

I will take just a few minutes to discuss this because next week I anticipate that thousands of Americans will get together in communities across the Nation as part of the special effort to highlight the concerns of the uninsured. This is under the auspices of the Robert Wood Johnson Foundation, an organization that works in a nonpartisan fashion.

I expect to see thousands of Americans in their communities—businesspeople, senior citizens, labor organizations, those from charitable groups—so many who are falling between the cracks in our health care system speaking out and calling for congressional action. I think it is very timely because Congress must get at this critical issue.

Very shortly, the senior Senator from Utah, Mr. HATCH, and I will again go forward with our bipartisan proposal, the Health Care That Works For All Americans Act. Our legislation has been endorsed by the Chamber of Commerce, the AFL–CIO, and the American Association of Retired Persons—three groups that do not normally flock together—because I think there is a feeling that what has been tried for the last 57 years, in the effort to create a health care system that works for all, simply has not worked.

For 57 years, there has been an effort to write health care legislation in Washington, DC. The American people find these bills illegible, the special interest groups attack, and invariably nothing happens.

So what Senator HATCH and I will shortly propose is something fundamentally different, an effort to look outside the beltway here in Washington, DC, to the American people, an effort that will begin with the central questions, and coming up with a system that works for all Americans.

Those questions are, first and foremost, what are the essential services Americans want in a comprehensive health reform bill? Second, what will those services cost? And, third, who is going to pay for them?

I am of the view that getting the American people involved in those kinds of issues—issues that are central to creating a system that works for all—is the only way Congress is going to break the gridlock on this question.

Right now, we are seeing our small businesses getting annual premiums rising more than 20 percent a year. Many health care providers, particularly physicians in rural and urban areas, are leaving the Government programs because of inadequate reimbursement rates. Certainly we have heard from many health care providers about rising insurance costs. And then, of course, for seniors, their prescription drug bills are hitting them just like a wrecking ball.

All of this, of course, is happening before the demographic tsunami of millions of baby boomer retirees, as 2010 and 2011 approaches. In those years we are going to start seeing a bow wave of baby boomer retirees that is going to continue for 15 to 20 years, after it begins in 2010 and 2011, and clearly our health care system is not prepared for it.

So the question then becomes, what is going to be done to break the gridlock on this issue? You have very powerful interests. And certainly, partisan feelings on these issues run very strongly. If you go to a lot of Republican meetings and talk about the health care cost crisis, they say: Of course it is a problem. We have to act on this. It is just the trial lawyers' fault. Let's go and take them on, and things will get better.

Then if you go to a lot of Democratic meetings and talk about health care costs and the health care crisis, they will say: You bet it is the insurance companies. If you take them on, everything is going to get better.

What Senator HATCH and I have said, in this essentially unprecedented, bipartisan effort, that really would involve the American people in creating a new health care system, is that we realize so many of these powerful organizations are going to have to look at changes that have been resisted in the past. My sense is it is time for the Congress to act, and to begin by ensuring there will be congressional action on these issues.

If you look, for example, at the last time the Congress debated significant health reform, back in 1993 and 1994, there were not even any votes on this issue. After all of the debate and all of the controversy surrounding those proposals in 1993 and 1994, there were not even votes in the Congress on fundamental reforms.

So what Senator HATCH and I have done is ensure that after the public is given an opportunity to weigh in—in community meetings, on line, and across the country—on the kind of health care system that would work for all Americans, we guarantee a vote on the floor of the Senate and a vote in the House of Representatives on this issue.

I think by involving the public, and then following up promptly with an assurance there will actually be votes in the Congress on these issues, we have a chance to move this debate forward in a fashion we have not seen in the past.

What seems unfortunate is there are lots of ideas with respect to how to move forward on comprehensive health reform but no vehicle for bringing together the American people and a way for Congress to follow up on those initiatives. That is why I have believed, with Senator HATCH, we can take a fresh approach that could really break with the past.

I was struck, in preparing this legislation, how similar the efforts were over the last 58 years. If you look at what Harry Truman proposed in 1945, in the 81st Congress, it was remarkably similar, in terms of how the debate unfolded, to what President Clinton proposed in 1993 and 1994. In both cases, you began with bills written in Washington, DC. The American people found the proposals incomprehensible. They were attacked by interest groups. And the legislation died at that point.

I see the distinguished chairman of the Judiciary Committee in the Chamber. I know he is going to begin discussion on the Estrada nomination very shortly.

Since he is in the Chamber, I express my thanks to the distinguished chairman of the Judiciary Committee. He has been working with me for a substantial amount of time on our bipartisan health reform proposal. Because next week will involve thousands of Americans at the grassroots level talking about these issues, I thought it was important to come to the floor today and say that the Senate is now listening because the chairman of the Judiciary Committee has been willing to work with me on these issues, because he shares my view that it is critically important that we break the gridlock on the health care issue.

I announce to the Senate that very shortly Senator HATCH and I will be going forward with our proposal, the Health Care that Works for All Americans Act. We have gotten a formal endorsement from the Chamber of Commerce, the AFL–CIO, and the AARP—three groups that do not exactly flock together on a regular basis. To a great extent, those organizations have been involved because of the prestige and stature of the senior Senator from Utah. He is, of course, the author of the

CHIP legislation, which was a tremendous breakthrough in terms of health care coverage for young people. He has worked with me extensively on community health center legislation.

At a time when the eyes of our Nation are focused on international crises, I want to draw some attention to the incredible crisis at home with respect to health care. We have millions of citizens who are not old enough for Medicare. They are not poor enough for Medicaid. Small businesses are being crushed by annual premiums. Physicians are leaving the system. Older people are not able to afford their medicine. This Congress, with the ingenuity and the talent in this Chamber, can come up with a health care system that works for all Americans.

Toward that end, I have been very gratified that the chairman of the Judiciary Committee, the senior Senator from Utah, has joined me for a substantial time. We are going to stay at it until we get our proposal on the floor and the Congress breaks with this 57-year gridlock on the health care issue, gridlock that dates back to the days of Harry Truman. We can do it with some bipartisanship, which is what the Senator from Utah and I have tried to offer.

I will talk more about this next week when Coverage for the Uninsured Week begins across the country.

I thank again the Senator from Utah and yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Utah.

Mr. HATCH. I thank my dear colleague from Oregon for his leadership in this area. When he was in the House, he was one of the great leaders on health care issues. He is repeating that leadership in the Senate. It is a privilege to work with him because you can rely on him. When he says he will do something, he does it. He is very intelligent in health care matters. I have a lot of respect for him, and it is a privilege to work with him. I hope people will listen to the bill that we will present because it is the way to at least move us off the dime and get us to do what we should be doing on health care. I thank him and pay tribute to him this morning.

Mr. REID. Mr. President, I appreciate the courtesy of the Senator from Utah. We are going to move to the Estrada nomination in executive session. However, prior to doing that, Senator ROBERTS and I are here. We have long served on the Ethics Committee, and we have a statement we wish to give. Senator HATCH has agreed that we can do so prior to going to executive session.

I ask unanimous consent that Senator ROBERTS and I be allowed to speak. As far as the time after that is concerned, we do not believe it needs to be equally divided. If Senator HATCH wants to take all the time, he can do that. I don't think we have anybody who wishes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO VICTOR BAIRD

Mr. REID. Mr. President, when I was first elected to the Senate, I spent a lot of time trying to figure out the committee structure. It is different than it is in the House. But I learned quickly that here, as in the House, the work gets done in committees.

I was fortunate early to be asked to serve on the Appropriations Committee and the Public Works Committee. I have served on these committees since I have been in the Senate. In these committees, I saw that the two ingredients necessary for successful operation of a committee were to make sure that there was not extreme partisanship and that we and a good, competent staff.

I have served in the majority and the minority while a Member of the Senate. I have been ranking member of a subcommittee, a chairman of a subcommittee. I have been chairman of a full committee on two separate occasions.

But regardless of which capacity I have served in, these ingredients remain constant.

Though I enjoyed the benefits of both good staff and bipartisanship during my years on these excellent committees, I was uncertain what to expect when I was asked to serve on the Committee on Ethics. I soon discovered that that committee was no different from any of the others, that you need a good staff and nonpartisanship.

It has been a tremendous pleasure for me to work with Senator PAT ROBERTS of Kansas. We have worked through some very difficult issues while we have served as chairman and ranking member of the committee. As we all know, Senator ROBERTS has a great sense of humor. But that sense of humor is never, ever in the way of doing the right thing for this institution. He is a person who served for many decades in the Congress, and his service here in the Senate has been a rewarding one for Members of the Senate because he has brought his experience from the House and made this place a better institution. I can speak with authority in that regard as a result of how he handled himself on the Ethics Committee during the time he and I served as chairman and ranking member or vice versa.

It is a disappointment to me that he is no longer chairman of that committee, but the rules are such that he could not serve in that capacity while serving in the same capacity on another committee. I look forward to working with Senator VOINOVICH, who has replaced him. I only hope that he is half as good in that capacity as Senator ROBERTS. If that is the case, the Senate will be well served.

The Senate Ethics Committee is truly a unique committee. Unlike other committees, it is comprised of an even number of Democrats and Republicans. It is led by a chair and vice chair. The staff is entirely nonpartisan. Most significantly, the committee's obligation is to ensure that Members of this body adhere to the high ethical standards expected of them as Members of the Senate. This is an obligation that transcends partisan political differences.

I have had the honor of serving on the Ethics Committee for a long time. I have had the privilege of being both the chair and the vice chair of the committee. Throughout all my time, however, the individual responsible for the day-to-day management of this committee has been Victor Baird. In fact, Victor has served on the Ethics Committee since 1987 as the staff director and chief counsel.

He has guided the committee through some of its most controversial cases. Regardless of the case or the controversy, however, Victor Baird could be relied on to steer the committee with a degree of impartiality, calmness, and firmness that will be a model for his successors.

It is significant to note that Victor Baird is leaving the Ethics Committee to enjoy a rich and deserved retirement. His career path is a tribute to those who look at public service as a possibility.

Prior to coming to the Senate, Victor served on the Consumers' Utility Council of Georgia, was an administrative law judge in Georgia, and served as an assistant attorney general of Georgia.

He also is another son of Georgia who found his calling in public service and is finishing his career serving the greatest deliberative body in the world. Like other Georgians in the Senate, Victor enjoyed a distinguished career in the U.S. military. He was honorably discharged in 1970 from the U.S. Air Force and was a recipient of the Bronze Star. During his 3 years in the Air Force, he served as a meteorologist and was responsible for predicting tropical storms. I am sure the storms that came after he took this job at the Ethics Committee were certainly more than any of the storms he saw in the nonpolitical environment. I am sure that Victor's ability to forecast stormy weather served him well in the Senate.

Victor Baird's professional career is marked by serving the public. That alone deserves our commendation. It is unfortunate today that public service is viewed as a short-time venture for some, but I believe it is a noble calling. The financial rewards are few and the hours can be very long. Those who commit their lives to public service retire knowing their work, no matter how great or how small, has contributed to the betterment of society. That alone is a reward that cannot be quantified in dollars.

Mr. President, on behalf of the Senate, I wish to thank Victor Baird for his 15 years of service on the Select Committee on Ethics. Victor's contributions to the betterment of this institution are significant. The Senate

has long recognized that public service is a public trust. Today there is greater trust in our Government and in this institution as a result of Victor Baird's service on the Senate Select Committee on Ethics.

I will miss calling Victor at home at night, trying to find out where he is because there is a question that has to be answered immediately. I am sure in some ways he will miss me. But I certainly wish Victor the very best in his retirement. He has been a public servant I will always admire.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, first, I wish to sincerely thank my distinguished colleague and my dear friend from Nevada—Searchlight, NV, by the way—Senator REID, for his very kind comments.

It has been a team effort in behalf of Senator REID and myself as we have tried to serve—some people would say sentenced to—the Ethics Committee. But we have been very conscientious in fulfilling this duty, and I think we have done so with Senator REID's unique ability to not only come up with what is right, according to the ethics manual, but what is basically common sense. As a matter of fact, Senator REID has this notion that continually is expressed: Gee, PAT, we ought to sit down and really see if we can rewrite the ethics manual to make it actually understood by Members of the Senate and reform it, make it adhere to a criterion—a yardstick, if you will—of common sense.

I always tried to dissuade him from that. No. 1, I did not want to undertake that mountain to climb, and it would be a big mountain to climb, because just as soon as you start that, why, other Members add other mountains.

At any rate, Senator REID has been a joy to work with. I admire his leadership. He is soft spoken and, as I have indicated, has brought a lot of common sense and has tried to make the Ethics Committee proactive and very helpful to Members. As a matter of fact, with every new class of Senators that comes in, we have a briefing, and HARRY always points out: Ask; ask first before there is any problem. And that is certainly good advice.

I thank Senator REID for his very kind remarks. I do not know about the decades of public service that I have accrued. Gosh, decades sounds like a long time. I may be fossilized here before we are through with these remarks. I am an old piece of furniture around here, I guess, in the House and Senate.

With that experience comes at least some expertise and some real appreciation in behalf of certain staff. We are only as good as our staff, I do not care whether you are an individual Member's staff, committee staff, select committee staff, whatever. It is a real honor for me to offer a few brief remarks for our outgoing Senate Ethics staff director, Mr. Victor Baird.

He has 16 years of service, and he now leaves this to enter retirement and, doubtlessly, what will be a new phase of life. His retirement is certainly well deserved, but his absence will be a great loss to the Senate.

Sometimes the most important positions are the ones that go unacknowledged. This is certainly true with the staff director of the Ethics Committee. It is one of the few positions where accolades do not really accrue. Only when a storm or controversy presents does the spotlight focus on the staff director. When this occurs, the director faces intense challenges from all angles, including media scrutiny, public outcry, and, yes, even partisan bickering. Yet he endures all this for one supreme objective, and this is what Victor did—to preserve the integrity of this institution we call the United States Senate.

For almost a decade and a half, why, Victor Baird has assumed this thankless but important job. It is a job requiring keen attention to detail, mastery of the rules, and a precise level of foresight on how ethics rulings affect the Senate, not only in the present but for future generations. Just as the Sergeant at Arms and Capitol Police guard the physical structure of the Senate, Victor Baird guarded the reputation of these halls. He accomplished this by insistence that Members adhere and remain accountable to high ethical standards.

During his tenure, he guided the Senate through some very tumultuous times that often really threatened the reputation of the Senate. As we all know, a compromised reputation will diminish credibility, and diminished credibility threatens a mandate to govern. It is that important. With this loss, our whole system of checks and balances would suffer which is vital to the strength of our democracy. All of us, regardless of what side of the aisle we sit on, should understand this.

Thankfully, Victor handled all ethics proceedings, and particularly those with intense media focus, judiciously, without staining the dignity of the Senate. He safeguarded us. This is not an easy task, and all of us should be very grateful.

The Senate is unlike any other governing body in the world. Deliberative by design, it exists to make sure we thoroughly consider our actions. In a town fueled by hotly charged emotions that often makes decisions for the moment, thankfully Victor was always available for advice and counsel.

My friend and colleague, Senator REID, and I often sought his well-reasoned, objective legal opinions. We respected his vast institutional knowledge and understanding of how this body should conduct itself. When dealing with ethics issues, it is important Members rise above partisan politics, which is hard to do sometimes, and examine each issue on a case-by-case basis. This is what our Founding Fathers intended. Maintaining the Senate's distinguished legacy is a task all of us must assume, regardless of politics. Victor knows this; Victor knew this, and always kept this premise at the forefront of his responsibilities.

His most important contribution was understanding that the committee's ultimate goal was proactive and preventive in nature. He made sure that all Members and their staff knew the rules of acceptable conduct at the outset. In public office, innocent mistakes can quickly break a career. This is why the Ethics Committee, and in particular the staff director, is so important. He is the gatekeeper. He is the adviser. He is the counselor to us all. Victor Baird certainly filled each of these roles with the utmost professionalism and integrity.

On behalf of the entire Senate, we thank you for your service and your dedication, Victor. Your influence has preserved the reputation of this governing body for the past 16 years, and we salute you.

In the U.S. Marine Corps, we always conclude by saying: Semper Fi. That means always faithful.

You have been always faithful, Victor. Semper Fi.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I join my colleagues, the distinguished minority floor leader from Nevada, who is a dear friend of the distinguished Senator from Kansas, and my dear friend from Kansas, in paying tribute to Victor Baird. That is one of the most miserable, tough jobs I think in the whole Senate. As both of them have said, there is not a lot of thanks for doing it. I personally thank him for the efforts he has put forward, and those who worked with him, because this is a very difficult job. He has always been straightforward, honest, and decent in all of the experiences I know about. I join my colleagues in their remarks and ask that I be associated with their remarks. I wish him the very best.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If my friend will yield—and I have already cleared this with the distinguished chairman of the Judiciary Committee—when the Senator from Utah finishes his statement and we go into executive session, I ask unanimous consent that the Senator from Vermont be recognized following the statement of the Senator from Utah for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar No. 21, which the clerk will report.

The assistant legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, during the course of the debate on Miguel Estrada, there have been many serious misrepresentations of the record on Mr. Estrada. I want to address in some detail one of the more serious distortions which concerns the answers Mr. Estrada gave during his extensive hearing, one of the longest hearings for a circuit court of appeals nominee, to questions members of the Judiciary Committee asked him.

The charge being leveled against Mr. Estrada is that he did not answer questions put to him in general and did not answer questions about his judicial philosophy in particular. That charge is pure bunk.

It is important to remember the circumstances under which this hearing took place. The hearing was held on September 26, 2002. It was chaired by my Democratic friend, the senior Senator from New York, Mr. SCHUMER. It lasted all day, which was unusual in and of itself. Both Democratic and Republican Senators asked scores of questions which Mr. Estrada answered. If any Senator was dissatisfied with Mr. Estrada's answers, every member of the committee had the opportunity to ask Mr. Estrada followup questions, although only two of my Democratic colleagues did.

Now, a number of the questions Mr. Estrada was asked sought directly or indirectly to pry from him a commitment on how he would rule in a particular case. Previous judicial nominees confirmed by the Senate have rightly declined to answer questions on that basis, just as Mr. Estrada did. Virtually every Clinton nominee refused to answer questions about how they would decide cases or what they would do in certain circumstances. I will give some examples.

In 1967, during his confirmation hearing for the Supreme Court, Justice Thurgood Marshall responded to a question about the fifth amendment by stating:

> I do not think you want me to be in a position of giving you a statement on the fifth amendment and then if I am confirmed and sit on the court when a fifth amendment case comes up I will have to disqualify myself.

During Justice Sandra Day O'Connor's confirmation hearing, the Senator from Massachusetts, Mr. KENNEDY, the former chairman of the Judiciary Committee, defended her refusal to discuss her views on abortion. He said:

> It is offensive to suggest that a potential Justice of the Supreme Court must pass some presumed test of judicial philosophy. It is even more offensive to suggest that a potential Justice must pass the litmus test of any single interest group.

Senator KENNEDY was concerned perhaps Justice O'Connor might possibly have difficulty with the conservative side or the pro-life side because she may have been pro-choice. The fact is nobody really knew, and there were some concerns about that, but Senator KENNEDY was right when he said:

> It is offensive to suggest that a potential Justice of the Supreme Court must pass some presumed test of judicial philosophy. It is even more offensive to suggest that a potential Justice must pass a litmus test of any single-issue interest group.

He was right then. But why is there today a different standard for Miguel Estrada? Why the comments and remarks by some on the committee who are saying Mr. Estrada should have answered these types of questions?

Likewise, I will give another. Justice John Paul Stevens testified during his confirmation hearing for the Supreme Court:

> I really don't think I should discuss this subject generally, Senator. I don't mean to be unresponsive but in all candor I must say there have been many times in my experience in the last 5 years where I found that my first reaction to a problem was not the same as the reaction I had when I had the responsibility of decisions and I think that if I were to make comments that were not carefully thought through they might be given significance that they really did not merit.

It was an excellent answer, but it was basically the same answer that Miguel Estrada gave to similar questions, and that almost every other nominee of Democrat and Republican administrations, since I have been on the committee, have given.

Why the double standard for Miguel Estrada? Why are we expecting him to answer questions that we did not expect leading Democrat judges, or other leading judges, to answer? Justice Ruth Bader Ginsburg, now sitting on the Supreme Court, also declined to answer certain questions, stating: Because I am and hope to continue to be a judge, it would be wrong for me to say or to preview in this legislative chamber how I would cast my vote on questions the Supreme Court may be called upon to decide. Were I to rehearse here what I would say and how I would reason on some questions, I would act injudiciously.

Like these previous nominees, all of whom the Senate confirmed, Mr. Estrada refused to violate the code of ethics for judicial nominees by declining to give answers that would appear to commit him on issues he will be called upon to decide as a judge. Again and again, he provided answers in direct response to questions that make his judicial philosophy an open book. I will share some specific examples.

Responding to a question to identify the most important attribute of a judge, Mr. Estrada answered that it was to have an appropriate process for decision-making. That, he said, entails having an open mind, listening to the parties, reading their briefs, doing all of the legwork on the law and facts, engaging in deliberation with colleagues, and being committed to judging as a process that is intended to give the right answer.

Now, these are not extreme views. I do not think we could ask more from any nominee for a judgeship.

When asked about the appropriate temperament of a judge, he responded that a judge should be impartial, open minded, and unbiased, courteous yet firm, and one who will give ear to people who come into his courtroom.

These are the qualities of Miguel Estrada. He testified that he is and would continue to be that type of a person who listens with both ears and who is fair to all litigants.

Mr. Estrada was asked a number of questions about his views and philosophy on following legal precedent. Let me highlight a little of those exchanges.

Question:

> Are you committed to following the precedents of higher courts faithfully and giving them full force and effect even if you disagree with such precedents?

Answer:

> Absolutely, Senator.

Question:

> What would you do if you believed the Supreme Court or the court of appeals had seriously erred in rendering a decision? Would you apply that decision or would you use your own judgment of the merits or the best judgment of the merits?

Answer:

> My duty as a judge and my inclination as a person and as a lawyer of integrity would be to follow the orders of the higher court.

Question:

> And if there were no controlling precedent dispositively concluding an issue with which you were presented in your circuit, to what sources would you turn for persuasive authority?

Answer:

> In such a circumstance, my cardinal rule would be to seize aid from anyplace where I could get it, related case law, legislative history, custom and practice and views of academics on analysis of law.

Pretty good answers. These are better answers than most of the judgeship nominees who have come before the committee over the last 27 years.

These exchanges illustrate clearly Miguel Estrada's respect for the law and his willingness and ability to faithfully follow the law. He further testifies in response to other questions: I will follow binding case law in every case, even in accordance with the case law that is not binding but seems instructive on the area, without any influence whatever from my personal

view I may have about the subject matter.

This is what we expect good judges to do. I can see no reason anyone would be opposed to a nominee who promised to follow the law.

When asked about the role of political ideology and the legal process, Mr. Estrada replied with a response that, in my view, was entirely appropriate and within the mainstream of what all Americans expect from their judiciary. He said: Although we all have views on a number of subjects from A to Z, the first duty of the judge is to self-consciously put that aside and look at each case with an open mind and listen to the parties, and to the best of his human capacity to give judgment based solely on the arguments on the law. I think my basic idea of judging is to do it on the basis of law and to put aside whatever view I might have on the subject, to the maximum extent possible.

Pretty good answer. Why isn't that answer good enough for my colleagues on the other side? It is better than most answers given by their nominees when their President controlled the White House and the nomination process.

Mr. Estrada was asked about his views on interpreting the Constitution. Mr. Estrada was forthright and complete in his responses. For example, in an exchange regarding the literal interpretation of the words of the Constitution, Mr. Estrada responded:

> I recognize that the Supreme Court has said on numerous occasions, in the area of privacy and elsewhere, that there are unenumerated rights in the Constitution, and I have no view of any sort, whether legal or personal, that would hinder me from applying those rulings by the court. But I think the court has been quite clear that there are unenumerated rights in the Constitution. In the main, the court has recognized them as being inherent in the right of substantive due process and the liberty clause of the 14th amendment.

That is a pretty good answer, a lot better answer than many of the Clinton nominees made, although I am not meaning to criticize them. It is just that there is a different standard being applied here, a double standard. They were not expected to give these great answers he has given, that my colleagues on the other side have said he didn't give. Read the record. It is replete with decent, good, honorable, and intelligent answers to their questions.

Mr. Estrada was asked questions about the appropriate balance between Congress and the courts. His answers made clear his view that judges must review challenges to statutes with a strong presumption of the statute's constitutionality. For example, in responding to a question about environmental protection statutes he stated:

> Congress has passed a number of statutes that try to safeguard the environment. I think all judges would have to read those statutes when they come to court with a strong presumption of constitutionality.

At the same time, he recognized that as a circuit court judge he would be bound to follow the precedents established by Lopez and other Supreme Court cases. Now, some of my colleagues do not like Lopez and they wish he would be an activist judge and not follow it. But he said he would be bound by it, as he would the other Supreme Court pronouncements. That is all you can ask of a nominee.

Why the double standard? Why is it that Miguel Estrada is being held to a different standard than the Clinton judgeship nominees were?

Mr. President, it is clear from the record that Mr. Estrada did answer the questions put to him at his hearing. His judicial philosophy is an open book. But if my Democratic colleagues are still inclined to vote against him, as misguided as I believe that choice to be, they should do so in an up-or-down vote. Vote for him or vote against him or do whatever your conscience dictates. Just vote. And stop this unfair filibuster. It is unfair.

Let me make one more point. Even if my colleagues believed, despite the facts and precedent, that Mr. Estrada should answer more questions, well, they have had that chance. And in a February 27 letter, White House Counsel Al Gonzales made an offer. A copy of Mr. Gonzales' letter has already been printed in the RECORD.

I don't know what more the administration can do other than say we will make him available to you, you ask him whatever questions you want, and you can find out for yourself whether you want to support him or not.

To my knowledge, not one of our colleagues on the other side has taken advantage of this offer. Not one. How interested are they in getting the real story? Not one. Yet we had Senators on the floor yesterday saying all he has to do is answer our questions. Here is an offer: He will come right to your office and answer the questions for you. Not one has asked him to come to the office, which makes me question how serious they are about the merits of Mr. Estrada's nomination.

That brings me to another point. Mr. Estrada's hearing was held under Democratic control of the committee on September 26, 2002. If there was any question about the quality of Mr. Estrada's testimony, they could have held another hearing, they could have extended the hearing, and they could have held another hearing since they controlled the committee for another 3 months. Why didn't they hold another hearing? Why didn't they ask these questions that are so crucial? Because they thought they could kill the nomination by never bringing it up. Unfortunately for them and fortunately for the country, the election turned the other way and Mr. Estrada, of course, was nominated by the new President.

I think there is some hypocrisy, especially with regard to these responses that Mr. Estrada gave, because they are deemed sufficient for Clinton judges but they are not good enough now. Why this double standard for this Hispanic man? Some Democrats have railed against Estrada for his responses to questions from the Judiciary Committee, as I have said. The fact is, however, the Democrats routinely voted in favor of Clinton nominees who gave similar responses, maybe not as good but similar responses. These were nominees who had never been judges and had few published writings. In their responses to questions they acknowledged the law, said they would follow it, and confirmed that they would not let their personal views get in the way—responses just like Miguel Estrada gave. Not one of these nominees, however, was denied a vote on the floor, not one.

Take, for example, Blane Michael, a Clinton nominee for the Fourth Circuit. He was asked what he would do if his personal beliefs and the law collided. He said he would uphold the Constitution and the law without question. As to whether he would follow Supreme Court precedents, he said: It is not my job to circumvent or shade what the Supreme Court has done.

Was he asked to expound on his favorite or least favorite Supreme Court cases? No. The record is less than four pages on his questioning.

Sid Thomas was another Clinton nominee not subjected to the same level of interrogation as Estrada. In fact, none of them were. Thomas, who had never been a judge or even a judicial clerk, was asked what he thought about the constitutionality of capital punishment.

He said:

> I believe the Supreme Court has spoken . . . on the death penalty.

That was it. Thomas, who I should add had very few published writings, added:

> I do not possess any personal convictions which would cause me to not apply the death penalty in an appropriate case.

The Thomas hearing takes up less than 2 pages in the RECORD.

Why were they treated differently by my colleagues on the other side than Miguel Estrada? Why is it? I don't see any reason, unless they are just not going to allow this President to nominate, as all Presidents in the past have done, the people he thinks are best for these jobs; or unless they just do not want to have a conservative Hispanic nominee appointed to this important court; or maybe they just do not want Miguel Estrada to get confirmed because they believe he is on the fast track to the Supreme Court and could be the first Hispanic nominated and confirmed to the Supreme Court; or maybe it is because he is Hispanic, but he is conservative; or maybe it is because he is Hispanic and he is Republican and he is conservative; or maybe it is because he is Hispanic, he is Republican, he is conservative, and they think he may be pro-life.

It is one of those. I personally do not believe there is racism involved, although there are those who do—but I am not one of them. I believe there is

a double standard being applied to this Hispanic nominee, the first Hispanic nominee to the Circuit Court of Appeals for the District of Columbia, and I think it is a crying shame.

Merrick Garland, a Clinton nominee to the Fourth Circuit, was asked if he personally favored the death penalty. I personally was very much in favor of Merrick Garland, but there were some on our side who were not very much enthused about him. He was a controversial nominee, as were these others. But he was a Clinton nominee to the Fourth Circuit. He was personally asked if he favored the death penalty. He responded by saying it is a matter of settled law. When asked about the independent counsel law, Garland said that, too, was settled and that he would follow that ruling.

These sound an awful lot like the responses of Miguel Estrada, the ones he gave, responses that Democrats say do not give them enough information. These Clinton nominees were all not only voted out of committee but were allowed an up-or-down vote on the floor, regardless of the fact that some of them were controversial—to borrow some of the language of my colleagues on the other side.

My colleague from New York has stated that according to an article that appeared in the Legal Times in April 2002, DC Circuit Judge Laurence Silberman has advised President Bush's judicial nominees to ''keep their mouths shut.'' As the rest of the article explains, in fact, Judge Silberman simply explained that the rules of judicial ethics prohibit nominees from indicating how they would rule in a given case or on a given issue—or even appearing to indicate how they would rule.

As the same article reported, Judge Silberman stated:

> It is unethical to answer such questions. It can't help but have some effect on your decisionmaking process once you become a judge.

A copy of this article has also been printed in the RECORD.

Yet I heard my colleagues on the other side yesterday blowing smoke over there, using a quote out of context to try to indicate that Judge Silberman was giving them radical advice. The fact is, he gave them advice that every Democrat President and every Democrat President's Justice Department has given to the Democrat nominees for these courts. It is proper advice.

This advice is consistent with Canon 5A(3)(d) of the ABA's Model Code of Judicial Conduct, which states that prospective judges:

> [S]hall not . . . make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of office . . . [or] make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues that are likely to come before the court.

Justice Thurgood Marshall made the same point in 1967 when he refused, as I mentioned before, to answer questions about the fifth amendment during his confirmation hearing for the Supreme Court. I referenced that quote earlier.

Let me go to this letter from Seth Waxman, on behalf of Seth Waxman, Walter Dellinger, Drew S. Days, Kenenth W. Starr, Charles Fried, Robert Bork, and Archibald Cox. That is seven of the living former Solicitors General. Seth Waxman, Walter Dellinger, Drew Days, and Archibald Cox are Democrat former Solicitors General.

Here is what they said, and they said it in response to the Democrats, who have been saying we have to get these privileged materials because we do not know enough about Miguel Estrada, even though we have had a full day of hearings conducted where we could have asked any questions we wanted to, where we could have held additional hearings, we could have filed written questions—only two of them did—we could have asked additional questions, only two of them did. They even said the hearing was fair and fairly conducted. But this is a letter.

Let me just go back. They are hiding behind this red herring, demanding papers they know no self-respecting administration can give because it would interrupt, disturb the flow, and make it more difficult for the Solicitor General of the United States to do his or her job. I think this letter says it all. It was a letter written to the Honorable PATRICK J. LEAHY on June 24, 2002, better than 18 months ago:

> DEAR CHAIRMAN LEAHY: We write to express our concern about your recent request that the Department of Justice turn over ''appeal recommendations, certiorari recommendations, and amicus recommendations'' that Miguel Estrada worked on while in the Office of the Solicitor General.
>
> As former heads of the Office of Solicitor General—under Presidents of both parties—we can attest to the vital importance of candor and confidentiality in the Solicitor General's decisionmaking process. The Solicitor General is charged with the weighty responsibility of deciding whether to appeal adverse decisions in cases where the United States is a party, whether to seek Supreme Court review of adverse appellate decisions, and whether to participate as amicus curiae in other high-profile cases that implicate an important Federal interest. The Solicitor General has the responsibility of representing the interests not just of the Justice Department, nor just of the executive branch, but of the entire Federal Government, including Congress.
>
> It goes without saying that, when we made these and other critical decisions, we relied on frank, honest and thorough advice from our staff attorneys like Mr. Estrada. Our decisionmaking process required the unbridled open exchange of ideas—an exchange that simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will hesitate before giving their honest, independent analysis if their opinions are not safeguarded from future disclosure. High-level decisionmaking requires candor, and candor in turn requires confidentiality.
>
> Any attempt to intrude into the Office's highly privileged deliberations would come at the cost of the Solicitor General's ability to defend vigorously the U.S. litigation interests—a cost that also would be borne by Congress itself.
>
> Although we profoundly respect the Senate's duty to evaluate Mr. Estrada's fitness for the Federal judiciary, we do not think that the confidentiality and integrity of internal deliberations should be sacrificed in the process.

Four of those former Solicitors General were Democrat Solicitors General. Mr. Estrada served three of those Democrat Solicitors General because he served, as I recall, 4 years in the Clinton administration in the Solicitor General's Office without any bad reaction. Then he served 1 year in the Bush administration.

Most people would say Archibald Cox is a person of the highest legal integrity and highest legal abilities. Knowing him personally, I have to say that is true. Most people would say Drew Days is one of the fine lawyers and law professors in this country. Most people would say—in fact, I think everybody would say with regard to these Democrat former Solicitors General who have said these records should be privileged, that Walter Dellinger was one of the great law professors at Duke, also a great public servant, and now one of the leading lawyers in one of the major law firms in the country, himself mentioned for the Supreme Court from time to time, a man I have to admit I have gained increasing respect for through the years.

It is pretty hard to find a better lawyer than Seth Waxman. He is a great lawyer. And he is somebody on whom I think the Democrats could rely. Have those colleagues on the other side asked those four people? The fact is those four people have basically said Miguel Estrada did a great job at the Solicitor Generals's Office. In fact, Seth Waxman, in particular, said he did a fine job there. The performance evaluations that described Mr. Estrada's work there are of the highest laudatory evaluation of staff. The only person who has raised any conflict is Professor Paul Bender, who gave those glowing performance evaluations at a time closest to the service of Miguel Estrada, but who is a very left-wing liberal Democrat law professor who has entered into this debate—and in an improper way, in my opinion—to try to smear Mr. Estrada, which he has done. He is the only one they can point to who has any real criticism of Miguel Estrada's work at the Solicitor General's Office.

I think those Democrat Senators on the other side of the floor would do very well to talk to Seth Waxman, Walter Dellinger, Drew S. Days, III, and Archibald Cox to say what is wrong with Mr. Estrada. I think they won't do it because they know these people will say Mr. Estrada is an exceptionally fine lawyer, which he, of course, is.

This is a man who has the highest rating from the American Bar Association—the gold standard of our friends, the Democrats—and, of course, he has

all the credentials in the world as one of the leading appellate lawyers in the country. Even though he suffers from a disability, a speech impediment, he has still risen to the top of the appellate court.

I know my colleague from Vermont is waiting. So I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

THE PRICE OF WAR

Mr. JEFFORDS. Mr. President, for many months now, the administration has shown its determination to wage war against Saddam Hussein.

I am very concerned that the Bush administration's intense focus on Iraq has blinded it to the critical needs here at home.

While the administration prepares for a war with sky-rocketing cost estimates now in the range of $100 billion or more, it pleads poverty when it comes to funding our domestic needs.

While the administration fixates on Iraq, the economy teeters, the stock market tumbles, the terrorist threat at home persists, and schools are threatened with premature closings for lack of money.

Last week, our Nation's governors met here in Washington and issued a troubling warning. They told us our States are hurting. They told us they do not have the money they need to do their jobs and serve the people of their States. They told us their situations would only worsen if the President were to enact his tax-cutting plans.

They told us they would need more than $15 billion this year alone in emergency funds for schools and domestic security. And as the headline in the New York Times put it, ''Governors Get Sympathy From Bush, But No More Money.''

Sympathy will not pay our Nation's bills. We have the obligation to address the crisis in America's schools with the same urgency as the crises abroad. Our children deserve at least that much.

We have fallen woefully short in our commitment to our students, our teachers and our parents. We have failed to meet a promise that we made to our States nearly three decades ago to provide our fair share of special education funding.

And now, only 1 year after passage of the No Child Left Behind Act, we are hearing that States don't have the money they need to make that law work.

Yet the administration continues to devote extraordinary resources to its campaign against Iraq, and to its pursuit of allies for that campaign.

While critical education needs go unmet, the administration was able to cobble together the necessary funds to offer almost $30 billion dollars to enlist Turkish support for the war.

I suspect untold billions are also being promised to other nations around the globe. The President apparently is confident that all of these expenses can be borne along with a significant tax cut. I sincerely question that logic.

There is no doubt that Saddam Hussein's rule in Iraq has been marked by brutality. He is an evil dictator with clearly evil intentions, and is a long-term threat to the United States and its allies in the Middle East.

Yet despite the well-documented atrocities associated with his rule and his clear flouting of U.N. resolutions, there still is no evidence of an imminent threat to the United States that justifies the administration's march to war.

Iraq is of obvious importance to the United States and the world because of its geographical location and its oil reserves. Much of the world depends upon fair access to Iraq's oil.

We went to war a decade ago to throw Iraq out of Kuwait and restore Kuwait's right to control its oil. Similarly, control of Iraq's oil must be put in the hands of the Iraqi people.

I praise the administration for abandoning its initial go-it-alone strategy toward Iraq. I congratulate the President for his willingness to work through the United Nations and for the results he and the U.N. have achieved since that decision.

An increasingly robust inspection process is under way, U2 planes are flying over Iraq under U.N. supervision, illegal missiles are being destroyed by Iraq, and additional measures are under consideration to more aggressively seek out illegal Iraqi weapons and programs.

The administration should continue to work with the U.N. to strengthen the inspection efforts and seek peaceful means for achieving the disarmament of Iraq. Instead, the administration appears bent on cutting this process short.

The administration has displayed a troubling lack of focus in articulating a rationale for military action in Iraq. Initial discussion of ''regime change'' shifted for some time to talk of disarmament.

However, recent comments from the White House now indicate that we are back to ''regime change.''

The administration's expectations for post-Saddam Iraq are equally troubling.

I am worried that the administration nurtures a naïve belief that there will be rapid transformation of the Middle East from an area in which autocratic governments and Islamist opposition forces vie for power to one in which democracy and Western ideals carry the day.

Talk of installing an American as temporary administrator of Iraq is also very troubling. We should be sending the message to the Iraqi people that we plan to put them in control of their country. The American people are not interested in becoming Iraq's overlord. We should be clear that we do not plan to rule Iraq as an American protectorate.

We need to be much more explicit in setting forth the goals and timetable for any post-war Western presence in Iraq.

Intelligence assessments make clear that the greatest threat today to the United States is the threat posed by terrorist attacks.

We know that the fight against terrorism and the fight against the proliferation of weapons of mass destruction can only be waged successfully with a robust set of international institutions and relationships.

The administration's push for war with Iraq undermines our relations with other countries and the strength of our international bodies at precisely the moment when they are most important to the United States.

We must ensure that any action against Iraq does not jeopardize our counterterrorism and counterproliferation fights.

President Bush has sought for many months to rally this Nation and the world community behind the notion that the threat from Iraq is imminent and that preemptive military action is required. He has not succeeded in making his case.

With no clear evidence of an imminent threat from Iraq, and with no credible plan for postwar Iraq, we should be supporting the U.N. in its work on the ground to bring about Iraqi compliance with U.N. resolutions.

Going to the U.N. must not be viewed merely as a cynical, tactical move designed to justify and aid preparations for war. Instead, the United States owes it to the world community, and to the institutions it worked so hard to establish in the period since World War II, to make a sincere effort to work with the U.N. to resolve the threat posed by Iraq in a peaceful fashion.

American Presidents have labored for many decades to construct relationships and international bodies capable of handling situations such as this.

They, the American people, and our allies deserve a patient, balanced, and considered approach to the current situation.

More importantly, the American people deserve an Administration that devotes the same degree of energy and concentration to the crises here at home.

I think, on more careful inspection, the President will realize that the domestic crises are truly imminent, and that they actually pose more of a threat to America's long-term security than the situation today in Iraq.

I urge the President to stop before he has irrevocably committed us to the destruction and rebuilding of Iraq, which will draw away the resources that are so badly needed here at home.

It will take courage and true leadership, but I implore him to act in this regard before it is too late.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I would like to direct my colleagues to a few of the more than 40 editorials or op-eds from around the Nation expressing concerns about Mr. Estrada's nomination to the D.C. Circuit.

Here are just a few of them. I ask unanimous consent that the following be printed in today's RECORD: the editorial of the Rutland Daily Herald of Vermont on February 24, 2003; the editorial of the Boston Globe on February 15, 2003; the recent editorial of the New York Times; and the op-ed in the Washington Post on February 14, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Daily Herald, Feb. 24, 2003]

PARTISAN WARFARE

Senate Democrats are expected to continue their filibuster this week against the appointment of Miguel Estrada, a 41-year-old lawyer whom President Bush has named to the federal appeals court in Washington, D.C.

Sen. Patrick Leahy, ranking Democrat on the Judiciary Committee, is in the middle of the fight over the Estrada appointment. He and his fellow Democrats should hold firm against the Estrada nomination.

Much is at stake in the Estrada case, most importantly the question of whether the Democrats have the resolve to resist the efforts of the Bush administration to pack the judiciary with extreme conservative judges.

The problem with the Estrada nomination is that Estrada has no record as a judge, and senators on the Judiciary Committee do not believe he has been sufficiently forthcoming about his views. It is their duty to advise and consent on judicial nominees, and Estrada has given them no basis for deciding whether to consent.

President Bush has called the Democrats' opposition to Estrada disgraceful, and his fellow Republicans have made the ludicrous charge that, in opposing Estrada, the Democrats are anti-Hispanic. For a party on record against affirmative action, the Republicans are guilty of cynical racial politics for nominating Estrada in the first place. He has little to qualify him for the position except that he is Hispanic.

Unless the Democrats are willing to stand firm against Bush's most extreme nominations. Bush will have the opportunity to push the judiciary far to the right of the American people. Leahy, for one, has often urged Bush to send to the Senate moderate nominees around whom Democrats and Republicans could form a consensus. In a nation and a Congress that is evenly divided politically, moderation makes sense.

But Bush's Justice Department is driven by conservative ideologues who see no reason for compromise. That being the case, the Senate Democrats have no choice but to hold the line against the most extreme nominees.

Leahy has drawn much heat for opposing Bush's nominees. But he has opposed only three. In his tenure as chairman of the committee, he sped through to confirmation far more nominees than his Republican predecessor had done. But for the Senate merely to rubber stamp the nominees sent their way by the White House would be for the Senate to surrender its constitutional role as a check on the excesses of the executive.

The Republicans are accusing the Democrats of partisan politics. Of course, the Republicans are expert at the game, refusing even to consider numerous nominees sent to the Senate by President Clinton.

The impasse over Estrada is partisan politics of an important kind. The Republicans must not be allowed to shame the Democrats into acquiescence. For the Democrats to give in would be for them to surrender to the fierce partisanship of the Republicans.

The wars over judicial nominees are likely to continue as long as Bush, with the help of Attorney General John Ashcroft, believes it is important to fill the judiciary with extreme right-wing judges.

The Democrats, of course, would like nothing better than to approve the nomination of a Hispanic judge. But unless the nominee is qualified, doing so would be a form of racial pandering. That is the game in which the Republicans are engaged, and the Democrats must not allow it to succeed.

[From the Boston Globe, Feb. 15, 2003]

RUSH TO JUDGES

The Senate Judiciary Committee ought to come with a warning sign: Watch out for fast-moving judicial nominees. Controlled by Republicans, the committee is approving President Bush's federal court nominees at speeds that defy common sense.

One example is Miguel Estrada, nominated to the US Court of Appeals for the District of Columbia. Nominated in May 2001, Estrada has been on a slow track, his conservative views attracting concern and criticism.

Some Republicans called Democrats anti-Hispanic for challenging Estrada. He came to the United States from Honduras at the age of 17, improved his English, earned a college degree from Columbia, a law degree from Harvard, and served as a Supreme Court clerk for Justice Anthony Kennedy.

What has raised red flags is Estrada's refusal to answer committee members' questions about his legal views or to provide documents showing his legal work. This prompted the Senate minority leader, Thomas Daschle, to conclude that Estrada either ''knows nothing or he feels he needs to hide something.''

Nonetheless, Estrada's nomination won partisan committee approval last month. All 10 Republicans voted for him; all nine Democrats voted against. On Tuesday Senate Democrats began to filibuster Estrada's nomination, a dramatic move to block a full Senate vote that could trigger waves of political vendettas.

It's crucial to evaluate candidates based on their merits and the needs of the country.

Given that the electorate was divided in 2000, it's clear that the country is a politically centrist place that should have mainstream judges, especially since many of these nominees could affect the next several decades of legal life in the United States.

Further, this is a nation that believes in protecting workers' rights, especially in the aftermath of Enron. It's an America that struggles with the moral arguments over abortion but largely accepts a woman's right to make a private choice. It's an America that believes in civil rights and its power to put a Colin Powell on the international stage.

Does Estrada meet these criteria? He isn't providing enough information to be sure. And the records of some other nominees fail to meet these standards.

Debating the merits of these nominees is also crucial because some, like Estrada, could become nominees for the Supreme Court.

The choir—Democrats, civil rights groups, labor groups, and women's groups—is already singing about how modern-day America should have modern-day judges. It's time for moderate Republicans and voters to join in so that the president can't ignore democracy's 21st-century judicial needs.

[From the New York Times]

KEEP TALKING ABOUT MIGUEL ESTRADA

The Bush administration is missing the point in the Senate battle over Miguel Estrada, its controversial nominee to the powerful D.C. Circuit Court of Appeals. Democrats who have vowed to filibuster the nomination are not engaging in ''shameful politics,'' as the president has put it, nor are they anti-Latino, as Republicans have cynically charged. They are insisting that the White House respect the Senate's role in confirming judicial nominees.

The Bush administration has shown no interest in working with Senate Democrats to select nominees who could be approved by consensus, and had dug in its heels on its most controversial choices. At their confirmation hearings, judicial nominees have refused to answer questions about their views on legal issues. And Senate Republicans have rushed through the procedures on controversial nominees.

Mr. Estrada embodies the White House's scorn for the Senate's role. Dubbed the ''stealth candidate,'' he arrived with an extremely conservative reputation but almost no paper trail. He refused to answer questions, and although he had written many memorandums as a lawyer in the Justice Department, the White House refused to release them.

The Senate Democratic leader, Tom Daschle, insists that the Senate be given the information it needs to evaluate Mr. Estrada. He says there cannot be a vote until senators are given access to Mr. Estrada's memorandums and until they get answers to their questions. The White House can call this politics or obstruction. But in fact it is senators doing their jobs.

[From the Washington Post, Feb. 14, 2003]

ESTRADA'S OMERTA

(By Michael Kinsley)

Like gangsters taking the Fifth, nominees for federal judgeships have reduced their reason for not talking to a mantra. Repeat after me: ''My view of the judicial function, Senator, does not allow me to answer that question.'' Miguel Estrada, President Bush's nominee for the U.S. Court of Appeals for the D.C. Circuit, used variations on that one many times in refusing to express any opinion on any important legal topic during Judiciary Committee hearings last fall. Democrats are now trying to block the Estrada nomination with a filibuster.

Estrada's ''view of the judicial function'' is shared by President Bush, congressional Republicans and conservative media voices hoarse with rage that Democratic senators want to know what someone thinks before making him or her a judge. The Estrada view is that judges should not prejudge the issues that will come before them. As Estrada amplified in this testimony, ''I'm very firmly of the view that although we all have views on a number of subjects from A to Z, the job of a judge is to subconsciously put that aside and look at each case . . . with an open mind.''

Obviously, Estrada's real reason for evasiveness is the fear that if some senators knew what his views are, they would vote against him. However, this kind of high-minded bluster is a powerful weapon in the ongoing judicial wars. Over the past couple of decades, talk like this has intimidated many a senator who aspires to a reputation for thoughtfulness. And it does sound swell. Until you think about it.

Potential judges should not reveal their views on legal issues because a judge should

have an open mind? Hiding your views doesn't make them go away. If the problem is judges having views on judicial topics, rather than judges expressing those views, then allowing people to become judges without revealing their views is a solution that doesn't address the problem. And if the problem is judges who fail to put their previous views aside, rather than judges having such views to begin with, then allowing judicial nominees to hide those views until it's too late is still a solution that is logically unrelated to the problem.

So Estrada's Rule of Silence does not solve the problem, And the supposed problem—of ''prejudging''—makes no sense either. To see why, consider—or reconsider—Justice Clarence Thomas. In his 1991 confirmation hearings, Thomas testified that he had no ''personal opinion'' about Roe v. Wade, probably the most controversial Supreme Court decision of the 20th century. In 1992 Justice Thomas joined in a minority opinion calling for Roe to be overturned. By 2000 he was writing that the Roe decision was ''grievously wrong'' and ''illegitimate'' and part of ''a particularly virulent strain on constitutional exegesis'' and generally not something he cared for the least little bit.

This does not prove that Thomas was lying under oath in claiming that he hadn't prejudged Roe in 1991 (though no reasonable person could doubt that). It does prove that Thomas had prejudged Roe in 1992. But this is a point tht Justice Thomas needn't bother to lie about, because no one objects. It's perfectly okay for a sitting judge to have and express views about an issue that comes before his or her court. That is his job.

In fact it's inevitable that anyone who has been an appellate judge for a while will have published opinions that touch on many of the issues he or she must decide in the future. There is not even an expectation of open-mindedness. Although a willingness to reconsider your own assumptions is regarded as admirable, no one is accused of prejudging a case just for ruling the same way this year as last year. Quite the opposite: Intellectual consistency is the hallmark of a fine legal mind. And following precedent is a sign of judicial professionalism.

Most legal rulings come from judges who have been on the bench for a while. If that is not a problem, why is it a problem if they have thought and reached conclusions on some important legal issues before they join the bench? The answer is that it is not a problem. It ought to be a problem if a potential judge has not thought about important legal issues and has no views on them. But instead, the problem is how to keep a judgeship candidate's opinions hidden until he or she is safely confirmed for a lifetime appointment, and the phony issue of ''prejudging'' is a strategy for doing that.

Judgeship nominations bring out the hypocrite in politicians of both parties, but the Republican hypocrisy here is especially impressive. When Bill Clinton was appointing judges, the senior Judiciary Committee Republican, Sen. Orrin Hatch, called for ''more diligent and extensive . . . questioning of nominees' jurisprudential views.'' Now Hatch says democrats have no right to demand any such thing. President Bush fired the American Bar Association as official auditor of judicial nominations because the ABA gave some Republican nominees a lousy grade. Now Hatch cites the ABA's judgment as ''the gold standard'' because it unofficially gave Estrada a high grade.

The seat Republicans want to give Estrada is open only because Republicans successfully blocked a Clinton nominee. Two Clinton nominations to the D.C. Court were blocked because Republicans said the circuit had too many judges already. Now Bush has sent nominations for both those seats. Hatch and others accuse Democrats of being anti-Hispanic for opposing Estrada. With 42 circuit court vacancies to fill, Estrada is the only Hispanic Bush has nominated. Clinton nominated 11, three of whom the Republicans blocked.

I could go on and on. Which is just what Senate Democrats are doing.

Mr. LEAHY. Mr. President, as I have previously mentioned before the Judiciary Committee and here before the Senate, I have significant concerns about Mr. Estrada's nomination. Significant concerns have been raised and not answered. Many of us would like to have sufficient confidence based on a record and a strong confidence about the type of judge he would be. Sadly that record is not there and the administration continues to deny us access to Government files that might be helpful to us.

While he has some experience arguing appeals in criminal cases, he appears to have little experience handling the types of civil cases that make up the majority of the docket of the D.C. Circuit, a court on which Republicans blocked appointments during the last 4-year term of the Clinton administration in order to shift the ideological balance of the court.

His confirmation has been opposed by many including people and groups who represent the Latino community. The opposition of so many Hispanic organizations and the Congressional Hispanic Caucus should be of concern.

Mr. Estrada's selection for this court has generated tremendous controversy across the country and within the Hispanic community. For more than 2 years I have been calling upon the President to be a uniter and not a divider. Here is another matter on which the White House has chosen divisive, partisanship and narrow ideology over what is best for the Senate, the D.C. Circuit, the Hispanic community and the American people. This has been yet another in a string of controversial nominations that has divided, not united, the American people and the Senate.

Senate Democrats demonstrated in the last Congress that we would bend over backwards to work with the Administration to fill judicial vacancies.

We proceeded with more than 100 nominations in 17 months, held hearings and confirmed nominees at a pace almost twice that of Republicans with a Democratic President. Unlike President Clinton, however, this President has continued to insist on doing things his way and only his way and simply refuses to work with us.

Last May, at the behest of a number of Senators seeking a solid basis on which to evaluate this nomination, I wrote to the nominee and to the Attorney General requesting access to his work while employed by the Government at the Department of Justice between 1992 and 1997. In that capacity he worked for the government of which Congress is a part. Similar papers have been provided to the Senate in connection with a number of previous nominations, including those of William Rehnquist, Robert H. Bork, William Bradford Reynolds, Benjamin Civiletti, and Stephen Trott. Despite this precedent, over 300 days have passed without cooperation from the administration.

The administration has unfortunately, chosen to treat the request for relevant information of a coequal branch like a litigation discovery request that it must resist at all costs. Their approach reminds me of how the tobacco companies treated requests for information about what they knew about the cancer causing properties of cigarettes for years and years. In connection with this nomination, the administration took three weeks to study the files then dismissed the request out of hand and called it without precedent.

The administration claimed that no administration had ever provided such materials in connection with a nomination. As we have now demonstrated over and over that precedent exists going back over the last 20 years.

When presented with irrefutable evidence that these types of materials had been provided, the administration shifted its defense to trying to distinguish those past nominations and even claimed that the documents previously produced by the Department of Justice to the Senate had, instead, been ''leaked'' to the Senate. They all but called Senator SCHUMER a liar in response to his January letter seeking to resolve the matter.

Then we provided documents from the Department of Justice that conclusively demonstrate that the materials had been furnished in response to Senate requests. This refutes the second round of misrepresentations by the Department of Justice. The proof is in a letter from Acting Assistant Attorney General Thomas Boyd to Chairman BIDEN in May 1988 which notes that:

> [M]any of the documents provided to the Committee, 'reflect or disclose purely internal deliberations within the Executive Branch, the work product of attorneys in connection with government litigation or confidential legal advice received from or provided to client agencies within the Executive Branch.' We provided these privileged documents to the Committee in order to respond fully to the Committee's request and to expedite the confirmation process.

It is now beyond dispute that ''the work product of attorneys in connection with government litigation or confidential legal advice'' has provided to the Senate in connection with past nominations.

Rather than admit their errors and work with us to resolve this impasse, the administration simply shifts ground while remaining recalcitrant. The longstanding policy of the Justice Department, until now, has been a practice of accommodation with the Senate in providing access to materials requested in connection with nominations.

On February 11, the Democratic leader and I wrote the President urging cooperation. Instead, we received another

diatribe from the White House Counsel's office. It is as if this administration thinks it has a blank slate and a blank check notwithstanding tradition, history, precedent or the shared powers explicitly provided by our Nation's Constitution. There is certainly a nexus between our request and the powers committed to the legislative branch, yet the Department has failed to take any efforts to try to resolve this dispute. There is part of a pattern of hostility by this administration to requests for information by Congress acting pursuant to powers granted to it by the Constitution, regarding nominees and other important matters.

Despite the stonewalling by the administration, the Judiciary Committee proceeded with a hearing on the Estrada nomination toward the end of the last session. I had said in January that I intended to proceed with such a hearing. The administration took advantage of my good faith declaration and my willingness to proceed on some of their most controversial nominees, including Mr. Estrada. Of course, in addition to Mr. Estrada we also proceeded with hearing on Judge Dennis Shedd, Professor Michael McConnell, Judge Charles Pickering, Judge D. Brooks Smith, Justice Priscilla Owen and many others. In spite of all our good faith efforts to make progress, the administration continues its hostile and partisan ways.

Confirmation of 100 judicial nominations in record time, proceeding on nearly twice as many confirmations as Republicans had in the recent past, confirming new judges for the Fifth, Sixth and Tenth Circuits after years of Republican delays, counted for naught with this administration. Still, in spite of the administration's stonewalling, the committee fulfilled my commitment by proceeding with a hearing last September after waiting in vain for six months for the Administration to show some sign of accommodation to us.

Senator SCHUMER chaired that hearing for Mr. Estrada last September. I was hoping that the hearing might allay concerns that have been raised about this nomination, but I was left with more questions than answers after all of the steps Mr. Estrada took to avoid answering questions at that hearing. I was also left with little hope that he would ever answer any of the concerns raised about entrusting him for the rest of his life with the responsibility for deciding cases fairly and without favor toward any ideological agenda.

When President Clinton was nominating moderates to judicial vacancies, Republicans insisted on considering the judicial philosophy and ideology of the nominees. Many took a pledge not to vote for anyone that might turn out to be an activist. In those years any concern among Republicans could forestall a hearing or committee vote. Anonymous holds were the order of the day. The committee proceeded with few hearings on few nominees and voted on even fewer. In the entire 1996 legislation session not a single circuit judge was approved by the Republican-led Senate all year not one.

Overall, during the 6½ years of prior Republican control, the Senate averaged only seven circuit court confirmations a year. During the recent 17 months in which Democrats led the Senate, by contrast we confirmed 17 circuit court nominees for a President of another party who nominated a string of highly controversial nominees. In fact, we held hearings on 20 circuit court nominees. Two of the most controversial, on whom we proceeded at the request of Republican Senators, were voted down before the committee last year. This year Mr. Estrada's nomination was reported even though all Democrats on the Committee voted against it.

Much like the administration's false claim that materials like those requested with regard to the Estrada nomination had no precedent when, if fact, there is ample precedent, the administration and Senate Republicans are now claiming that this Senate debate is without precedent. That, too, is false. In fact, a number of judicial nominations have been subjected to extensive debate over the years since Senator Thurmond filibustered the nomination of Justice Fortas to be Chief Justice in 1968. More than a dozen nominations have resulted in almost one and one-half dozen cloture votes on judicial nominations.

Among those nominations ''filibustered'' by Republicans were Stephen G. Breyer's nomination to the First Circuit; Rosemary Barkett's nomination to the Eleventh Circuit; H. Lee Sarokin's nomination to the Third Circuit; Marsha Berzon's nomination to the Ninth Circuit; and Richard Paez's nomination to the Ninth Circuit. In addition, the Democratic leadership of the Senate had to overcome Republican objection and obtain a cloture to proceed with three of President Bush's nominations in 2002, Richard Clifton to be a Ninth Circuit judge, Julia Smith Gibbons to be a Sixth Circuit judge, and Lavenski Smith to be a Eighth Circuit judge.

Of course, during the previous six and one-half years of Republican control of the Senate, Republicans often chose less public methods to end nominations. Almost 80 of President Clinton's judicial nominations were not confirmed by the Congress during which they were first nominated and more than 50 were never accorded a Senate vote. Most often Republicans would just refuse to proceed to a hearing or a committee vote on a nomination without explanation. Anonymous holds before the committee ended almost a dozen Clinton judicial nominations without anyone having to take a vote. Anonymous holds on the Senate floor delayed consideration of nominations for months and months without debate, explanation or accountability. Democratic opposition has not taken that route. Instead, we ended the secrecy of the home State Senators' blue slips and did not allow anonymous holds to long delay Senate consideration of nominations.

The Republican spin machine is repeatedly asserting that cloture votes and the use of the filibuster are ''unprecedented'' with respect to judicial nominees. Such assertions are false and misleading. Cloture, the Senate's procedure to end a filibuster, was sought on more nominations during the 103rd Congress, from 1993 to 1994, when President Clinton was President and Republicans used the filibuster when they were in the Senate minority than at any other time in our history. In that Congress, cloture was sought on 12 nominations—judicial and executive. For the remainder of President Clinton's presidency, Republicans controlled the Senate and defeated scores of judicial nominations by deliberate inaction or anonymous holds in committee and on the floor. By using other extreme delaying tactics, they did not need to use filibusters, they defeated nominations without public explanation through other tactics available to them in the Senate majority.

Individuals from all parties have sought cloture and used the filibuster in response to judicial and other nominees. In fact, the use of the filibuster and cloture has increased in recent years. Congressional Research Services reports that the filibuster and cloture are used much more regularly today than at any time in the Senate's past. Approximately two-thirds of all identifiable Senate filibusters have occurred since 1970.

Cloture votes on judicial nominees are well-precedented in recent history. Both Democrats and Republicans have sought cloture in response to debate or objections to judicial nominees since the cloture rule was extended to nominations in 1949. I would note that cloture was not sought on any nomination until 1968, because, prior to then, concerns over nominees were resolved, or the nominee was defeated, behind closed doors. From 1968 to 2000, there were 13 cloture attempts on judicial nominees. For the record, I should also note that last Congress, cloture was sought on four of President Bush's circuit court nominees. I further note that it was the Democratic leadership of the Senate that sought to invoke cloture and proceed. The objection that was overcome last Congress was that of a Republican Senator who was concerned with the White House's refusals to act on certain executive nominations.

Cloture votes have occurred on judicial nominees submitted by Presidents of both parties and on nominees to the U.S. District Courts, the U.S. Courts of Appeal, and the U.S. Supreme Court. Of these 13 cloture attempts on judicial nominees, in six of them, the Democrats were in the majority and in seven the Republicans were in the majority. The opposition has been based on objections to the judicial philosophy of

the nominee, concerns about whether the nominee would treat all parties fairly and on procedural grounds.

I would like to take a moment to shed some light on filibusters and the practices used to block nominees when the Republicans were last in the majority. Some Republicans have been taking a quote of mine out of context from June 1998 about judicial nominations, replacing my actual words with an ellipse, then distributing it widely and misusing it. Here is what Republicans keep quoting: ''I have stated over and over again . . . [ellipse] that I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported.'' What the Republican talking points omit with their ellipse is the essential context of that quote. My actual comment was made during floor discussion about an anonymous Republican hold on yet another of President Clinton's nominees. Here was his actual comment:

I have stated over and over again on this floor that I would refuse to put an anonymous hold on any judge; that I would object and fight against any filibuster on a judge, whether it is somebody I opposed or supported; that I felt the Senate should do its duty.

The context of my comment—the subject of that very debate—and my reference even within the quote itself were about anonymous holds used by Republicans to defeat President Clinton's judicial nominations—anonymous filibusters, in essence. This was another instance in which sometimes only one or a handful of Republican Senators prevented Senate votes on President Clinton's judicial nominations.

The process of the anonymous holds with which Republicans prevented action on Clinton judicial nominees required not just a majority or a supermajority for the Senate to proceed to votes; Republicans were defeating President Clinton's nominees by requiring unanimity. And they were doing it anonymously, without accountability to the public. In the case of the Estrada nomination, Senate Democrats are seeking the information that the Judiciary Committee began requesting nearly a year ago, before proceeding to a vote.

It is clear from the language Republicans deliberately omit that what I was referring to the widespread Republican practice of blocking a nominee anonymously.

The debate from which my comment was taken was over the anonymous Republican hold on a Hispanic nominee, Judge Sonia Sotomayor, who was nominated by the first President Bush to a district court and who President Clinton nominated to the Second Circuit Court of Appeals.

Immediately after making this comment, I placed in the record a newspaper editorial criticizing these anonymous holds as ''Partisan Nonsense.'' That editorial notes that, ''In blunt terms, Leahy has criticized the Republicans who, behind the scenes and not for attribution, are seeking to scuttle Sotomayor's nomination.'' That editorial goes on to note:

''Their reasons are stupid at best and cowardly at worst,'' Leahy told a New York Times reporter. ''What they are saying is that they have a brilliant judge who happens to be a woman and Hispanic and they haven't the guts to stand up and argue publicly against her on the floor. They want to hide in their cloakrooms and do her in quiet.'''

This again makes clear that I was talking about—anonymous holds. Judge Sotomayor was reported out of the Judiciary Committee on March 5, 1998, but anonymous Republican holds had prevented her nomination from being scheduled for a vote.

On June 18, after her nomination had been pending on the floor for more than three months, I went to the floor to protest the anonymous hold against her. Republicans refused to bring her to a vote for four more months. That is, Judge Sotomayor's nomination was pending on the floor for seven months, seven times longer than Mr. Estrada's nomination, and no Republicans claimed that denying an immediate vote was somehow unconstitutional or amending the Constitution, as they have claimed in these recent days. Once Judge Sotomayor was finally allowed a vote, 23 Republicans voted against her, yet none put any statement in the record or made a statement accounting for their holds or votes.

The real double standard evident during the Estrada debate is that during the prior years of Republican control, Republicans in practice required unanimous consent to allow a vote on a judicial nominee—not a majority or even a super-majority. One or more Republicans could refuse to allow an up or down vote on a nominee, with no accountability to the public. Thus, even if as many as 80 or 90 or even 99 Senators did not object to a judicial nominee, the objection of any Republican was used to prevent an up or down vote. Republican complaints about Democratic objections and insistence on following Senate rules ring hollow in light of their own repeated practices with President Clinton nominees. They often required the consent of 100 Senators, and certainly all of the Republicans, to bring a judicial nominee to a vote.

To hold a nominee anonymously, without any accountability, is what I objected to in my full statement and full comment and in the full context of my statement during that debate. In contrast, the extended debate on the Estrada nomination is occurring in the light of day. Republicans and the White House can bring this matter to resolution by providing the documents requested and by providing responsive answers to Senators' questions. This is not a filibuster through anonymous holds. This is a public debate that Republicans can end through cooperation.

The nomination of Judge Richard Paez starkly displays this Republican double standard. Judge Paez is a Mexican American who had served for years on the bench in Los Angeles before being appointed to the Federal district court by President Clinton in 1994. Judge Paez was nominated to the 9th Circuit in January 1996. He was one of only four circuit court nominees to get a hearing that year. His hearing was in July but he was not allowed to be reported to the floor that year. No circuit court nominees were given floor votes that year by the Republicans. Only 17 judges were confirmed that session, none of them circuit judges. This was the lowest number of confirmations during an election year in modern history. Judge Paez was then renominated in January 1997, after President Clinton's reelection.

Chairman HATCH required a second hearing on the Paez nomination in 1998, 25 months after his initial nomination. Judge Paez was reported to the floor again in March 1998, but Republicans did not schedule him for a vote in April, May, June, July, August, September, or October that year. So in contrast to the Estrada nomination, by the end of that year, Judge Paez's nomination had waited on the floor for more than 8 months. That is eight times longer than the Estrada nomination has been pending on the floor and Judge Paez still did not get a vote, due to anonymous, unaccountable Republican holds. His nomination was returned to the President without action at the end of that Congress. By then his nomination had been pending for almost three years.

Judge Paez was renominated again in January 1999. Chairman HATCH refused to place him on the committee's agenda for a vote until July 1999—another 6 months of delay, after his nomination had then been pending for more than 1000 days. Republicans continued anonymously to block a vote on the Paez nomination and refused to schedule him for a vote in July, August or September. By that time his nomination had been before the Senate for more than 1,300 days.

On September 21, 1999, Democratic Senators, having spent months and then years pleading for a vote on the Paez nomination, made a motion to proceed to his nomination. All Republicans voted against bringing his nomination up for a vote, including Chairman HATCH.

Finally, in March 2000, after his nomination had been pending for more than 1,500 days, Republicans failed in their effort to stop cloture from being invoked. The next day, Judge Paez was confirmed, and 39 Republicans voted for confirmation—two shy of the number necessary to prevent cloture or to filibuster the nomination. If they had two more votes, I wonder whether they would have ever allowed Judge Paez's nomination to come to a vote.

Mr. Estrada's nomination has been pending on the floor for less than one month. Judge Paez's nomination was pending on the floor for more than 20

months before Republicans allowed him a vote. The result was that Judge Paez's nomination waited on the floor for a vote for almost two years, and his nomination was before the Senate for more than four years, before he was given an up or down vote on confirmation. Mr. Estrada's nomination has been on the floor for less than one month—not 20 months—and Senate Democrats have raised serious and legitimate concerns about the Senate proceeding to a final vote, concerning the incompleteness of the record, the lack of responsive answers to basic questions and the refusal to turn over memos equivalent to those provided in other nominations.

It was no secret that the Republicans delayed the nominations of Judge Marsha Berzon and Judge Richard Paez to the U.S. Court of Appeals for the Ninth Circuit for years, culminating in filibusters in 2000, just three years ago. After the Republican-controlled Senate repeatedly delayed action on their nominations—over four years for Judge Paez and over two years for Judge Berzon—Republicans engaged in a filibuster and cited the filibusters of Justice Fortas, Justice Rehnquist and others as precedents. At that time, Republicans argued that they were not setting new precedent.

As Senator Robert Smith stated during the debate on these two nominees:

[I]t is no secret that I have been the person who has filibustered these two nominees, Judge Berzon and Judge Paez. The issue is, why are we here? What is the role of the Senate in judicial nominations? The Constitution gave the Senate the advise-and-consent role. We are supposed to advise the President and consent if we think the judge should be put on the court. . . .

I was criticized by some for filibustering, that 'we are on a dangerous precedent' of filibustering judges. . . .

Filibuster in the Senate has a purpose. It is not simply to delay for the sake of delay. It is to get information. It is to take the time to debate and to find out about what a judge's thoughts are and how he or she might act once they are placed on the court.

So, those who came before the Senate just prior to our recent recess and said that no Republican ever filibustered a Clinton judicial nominee were wrong, dead wrong. Senator SMITH was characteristically forthright about what he was doing.

Senator SMITH went on to explain:

As far as the issue of going down a dangerous path and a dangerous precedent, that we somehow have never gone before, as I pointed out yesterday and I reiterate this morning, since 1968, 13 judges have been filibustered by both political parties appointed by Presidents of both political parties, starting in 1968 with Abe Fortas and coming all the way forth to these two judges today.

It is not a new path to argue and to discuss information about these judges. In fact, Mr. President . . . [w]hen William Rehnquist was nominated to the Court, he was filibustered twice.

Then, after he was on the Court, he was filibustered again when asked to become the chief Justice. In that filibuster, it is interesting to note, things that happened prior to him sitting on the Court were regurgitated and discussed. So I do not want to hear that I am going down some trail the Senate has gone down before by talking about these judges and delaying. It is simply not true.

This straight-forward Republican from New Hampshire proclaimed:

Don't pontificate on the floor and tell me that somehow I am violating the Constitution . . . by blocking a judge or filibustering a judge that I don't think deserves to be on the court. That is my responsibility. That is my advise-and-consent role, and I intend to exercise it.

Thus, the Republicans' claim that Democrats are taking ''unprecedented'' action, like the White House claim that our request for Mr. Estrada's work while paid by taxpayers was ''unprecedented,'' is simply untrue. Republicans' desire to rewrite their own history is understandable but unavailing.

They cannot change the plain facts to fit their current argument and purposes. I note in passing how many Republicans now demanding a vote on Mr. Estrada, opposed cloture on Judge Berzon and Judge Paez. I have already noted how every Republican, many of whom are now insisting on a vote on the Estrada nomination, opposed even proceeding to consider the Paez nomination.

I also recall a motion that truly was unprecedented, the motion of Senator SESSIONS to recommit the Paez nomination to the Judiciary Committee after it had twice been voted out over a period of four years. In fact, Senator SESSIONS made a motion to indefinitely postpone the nomination of Judge Paez, and 31 Republicans voted in support of that motion, including most of the people on the other side of the aisle who have come to the floor to claim that the Constitution requires an immediate up or down vote on Mr. Estrada's nomination. After cloture was invoked, Senator SESSIONS made a motion to indefinitely postpone a vote on Judge Paez's nomination. The motion to indefinitely postpone failed by a vote of 31 to 67. After this motion failed on March 9, 2000 the day Paez was ultimately confirmed—Senator HATCH spoke about the unprecedented nature of that motion and admitted that there had been a filibuster on Paez's nomination. Here is what he said:

I have to say, I have served a number of years in the Senate, and I have never seen a ''motion to postpone indefinitely'' that was brought to delay the consideration of a judicial nomination post-cloture.

Indeed, I must confess to being somewhat baffled that, after a filibuster is cut off by cloture, the Senate could still delay a final vote on a nomination. A parliamentary ruling to this effect means that, after today, our cloture rule is further weakened.

While some Republicans would prefer to ignore that filibuster of this Ninth Circuit nominee in their quest to move as quickly as possible on the Estrada's nomination, but that would be to ignore the recent history of their conduct.

There were likewise two judicial nominees in 1994 whom the Republicans filibustered. Judge H. Lee Sarokin, nominated by President Clinton to the Third Circuit, was a qualified nominee who served as a Federal district judge for 15 years. He was opposed by conservative Republicans who argued, among other things, that he was too liberal. Senator Thurmond led the filibuster against Judge Sarokin in calling him a ''liberal judicial activist.'' That effort to defeat Judge Sarokin failed.

In 1994, the Republicans also used delay tactics to block the nomination of Judge Rosemary Barkett to the U.S. Court of Appeals for the Eleventh Circuit. Judge Barkett was criticized by those on the other side of the aisle as being a judicial activist. Senators Thurmond and SPECTER led the opposition to Barkett. After announcing the Republican intention to filibuster the nomination, Democratic Majority Leader George Mitchell stepped in and filed a cloture motion.

I could describe other filibusters in detail, such as the Republican filibuster of Justice Breyer to be on the U.S. Court of Appeals for the First Circuit in 1980. And I could quote those on the other side of the aisle, who have said time and time again how important it is to debate a nominee and to scrutinize a nominee's record and views. In 1997, Senator HATCH said that he had ''no problem with those who want to review these nominees with great specificity'' and, in fact, he supported such efforts while chairman of the Judiciary Committee and reviewing the nomination of a Democratic President.

So, when Republicans say that a filibuster or extended debate on judicial nominees is unprecedented, I would like to ask them about their filibusters and extended debates on Judge Berzon, Judge Paez, Judge Sarokin, Judge Barkett. And, I would like to ask them about all the other judicial nominees and executive nominees that they defeated through deliberate inaction, anonymous holds, or other extreme delaying tactics.

Of course, this debate on the Estrada nomination is not, given the definition used by Republicans, a ''true filibuster.'' As the statements of the Democratic Leader and the exchange that I had with Senator BENNETT and Senator REID on February 12 made clear and as should be plain to all, we are seeking cooperation and information before proceeding to a vote. The current debate could have been shortened had the Administration at any time since last May shown any interest in working with us. It has not. Despite the efforts we have made, including the Democratic leader's letter on February 11 seeking accommodation and pointed the way out of this impasse, the Administration has steadfastly refused all of our efforts to work through these difficulties. The administration is intent on forcing this confrontation and division. That is too bad.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that editorials concerning the Estrada nomination from

the Portland Oregonian, the Omaha World, and the Los Angeles Times, and an article on the same topic by Chris Mooney that appeared in TomPaine.com, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Jan. 13, 2003]

BUSH'S FULL-COURT PRESS

There are at least two explanations—one even more cynical than the other—for President Bush's renomination last week of Judge Charles W. Pickering, a man the Senate rightly rejected last year for a seat on the federal appeals court.

Perhaps Bush really didn't mean it last month when he denounced as ''offensive . . . and wrong'' Mississippi Sen. Trent Lott's nostalgic musings about the segregated South. The Republican Party has long tried to have it both ways on race: ardently courting minority voters while winking at party stalwarts who consistently fight policies to establish fairness and opportunity for minorities. Even Bush has not always been above such doublespeak, encouraging African Americans to vote GOP and touting his Spanish-language facility on the campaign trail as a come-on to Latino voters even as he dropped in at Bob Jones University, which, until three years ago, barred interracial couples from sharing a pizza.

Bush's renomination of Pickering, a man whose law career is unremarkable but for his longtime friendship with Lott and his dogged defense of Mississippi's anti-miscegenation laws, throws another steak to the far right and sand in the eyes of most Americans.

There could be another explanation for Bush's decision, just weeks after denouncing Lott, to again shove Pickering on the American people. Perhaps the president doesn't really care whether Pickering, whom he's indignantly defended as ''a fine jurist . . . a man of quality and integrity,'' is confirmed.

Maybe Bush calculates that Sens. Edward M. Kennedy (D–Mass.), Charles E. Schumer (D–N.Y.) and others, justly incensed that the judge is back before them, will embarrass a Republican or two into joining them and defeat his nomination a second time. The president may be figuring that if they can call in enough chits on Pickering, the Democrats won't have the votes to stop the many other men and women he hopes to place in these powerful, lifetime seats on the federal bench.

None of those nominees can be tarred with Pickering's in-your-face defense of segregation. But many, including Texas Supreme Court Justice Priscilla Owen, lawyers Miguel Estrada and Jay S. Bybee, North Carolina Judge Terrence Boyle and Los Angeles Superior Court Judge Carolyn B. Kuhl, share a disdain for workers' rights, civil liberties guarantees and abortion rights. Their confirmations would be no less a disservice to the American people than that of Pickering, who now has been nominated two times too many.

[From the Omaha World-Herald Feb. 13, 2003]

ANSWERS, PLEASE

NOMINEE ESTRADA REFUSES TO DISCLOSE JUDICIAL VIEWS, PHILOSOPHIES TO THE SENATE

A filibuster is a drastic tactic. In regard to federal judicial nominees, we would typically be against it. Now, Senate Democrats have promised to use it to stall a confirmation vote on judicial nominee Miguel Estrada. Yet given the current tight-lipped atmosphere, we understand what is pushing them in that direction.

Both sides agree that Estrada, nominated by President Bush to the District of Columbia Court of Appeals, has exceptional legal credentials. However, he has refused to answer many basic yet important questions, giving senators scarcely any way to assess his judicial temperament. Democrats contend, rightly or wrongly, that Bush seeks to pack the federal courts with hard-right ''stealth'' activists, and Estrada personifies that goal.

Estrada would not tell senators which judges he might uses as role models if he were appointed to the bench, for instance. That is a forthright question. The answer sheds light on a nominee's thinking and potential judicial approach. He also declined to say which Supreme Court opinions he disagreed with, another fundamental query.

Most judicial candidates won't, and shouldn't, give their personal views on a broad-brush basis—in effect judging hypothetical cases in advance. But Estrada, who has been mentioned as a potential Supreme Court justice, went beyond that—refusing to discuss well-known prior cases because, he said, he had no firsthand knowledge.

Judicial philosophy is important as senators considers an appointment to the court that has been called the second most important in the land after the Supreme Court. The D.C. appeals court considers, among other issues, many challenges to federal environmental regulations. And Estrada's views of, for instance, federalism vs. states' prerogatives would be crucial.

The president and Republican leaders have charged that Democrats don't want to approve a Hispanic conservative, an implicit accusation of racism. But Estrada isn't universally popular with Hispanic groups, either. One, the Puerto Rican Legal Defense and Education Fund, said he has ''made strong statements that have been interpreted as hostile to criminal defendants' rights, affirmative action and women's rights.''

In fairness, Democrats aren't above playing their own political games. They change that Estrada ''lacks judicial experience,'' as if that were a disqualifying flaw. Before their appointments, most of the members of the D.C. appeals court ''lacked judicial experience'' much as Estrada does.

We agree with a statement made by one senator several years ago: ''I believe the Senate can and should do what it can to ascertain the jurisprudential views a nominee will bring to the bench in order to prevent the confirmation of those who are likely to be judicial activists. . . . It will require the Senate to be more diligent and extensive in its questioning of nominees' jurisprudential views.''

That was Republican Sen. Orrin Hatch, today an Estrada booster, in regard to former President Bill Clinton's nominees. The sentiment was valid then, and it's valid now.

[From Tompaine.com]

BENCHING CONGRESS—THE RISING POWER OF THE JUDICIARY

(By Chris Mooney)

When it comes to President Bush's judicial appointees, Sen. Joe Biden of Delaware has traditionally been one of the most deferential Democrats; he opposed only three out of 102 nominees during the 107th Congress. So Biden's recent speech at a hearing on the appointment of Jeffrey Sutton, a staunch states' rights defender named to the U.S. Court of Appeals for the Sixth Circuit, came as something of a surprise. ''You seem to have an incredibly restrictive view of the Congress' prerogatives,'' Biden warned Sutton. Noting that the Supreme Court reviews only a tiny fraction of cases from courts like the Sixth Circuit, Biden announced he was rethinking how the Senate should handle circuit court nominees. ''[Appellate judges] have become the final arbiters in areas where I used to be able to say, 'I know the Court will review this,''' Biden said, adding that his staff was preparing a list of roughly 200 cases where courts of appeal have changed ''basic law'' without any review by the Supreme Court.

As the showdown begins over Bush's conservative judicial nominees—and Senate Democrats contemplate using their filibuster powers to block Miguel Estrada from a place on the U.S. Court of Appeals for the District of Columbia Circuit—it is important to remember this exchange. Sutton's history of states' rights advocacy, which included filing a brief on the winning side when the Supreme Court overturned part of the Violence Against Women Act (which Biden drafted), had clearly left Biden feeling leery about giving him a lifetime appointment to the bench. The senator got a taste of conservative judicial activism first hand, and he didn't like it one bit.

If more elected Democrats awaken to how their legislative powers are being snatched away by the federal judiciary the way Biden did, perhaps they too will resolve to fight harder against Bush's more radical conservative nominees. The key factor, after all, is the one Biden cited: The Supreme Court hears only about 80 cases a year, from all the circuit courts and state supreme courts combined. This compares with the tens of thousands of cases considered by Federal appellate courts. And because of the extreme rarity of Supreme Court review, ''one could argue that the powerful actors in the United States who have the fewest real checks on what they do are federal appellate judges,'' as Georgetown law professor David Vladeck puts it. One existing check is the U.S. Senate's advice and consent role, yet from Michael McConnell to D. Brooks Smith, Senate Democrats thus far have allowed conservative after conservative to reach the federal bench.

Appellate judges interpret a huge chunk of the law that we live by. Even in simply applying Supreme Court precedent, they have immense sway, and they have it for life. The Supreme Court only ''knocks out the broad contours'' of the law, notes American University's Herman Schwartz; courts of appeal then fill in the blanks. For example, the conservative U.S. Court of Appeals for the Fourth Circuit recently ruled that the Clean Water Act allows mining companies to dump huge amounts of mountaintop rubble into rivers and streams, a process known as creating ''valley fills.'' This ''major victory for the mining industry,'' as The Washington Post put it, is precisely the sort of case that the Supreme Court never reviews. Due to the conservative tilt taken by the federal bench over the past two decades, environmental groups have become more or less resigned to these pro-business rulings. So have labor, civil-rights groups, and other liberal constituencies.

Appellate judges can't initiate legislation or make policy decisions, of course, But that's about the only sense in which they don't wield considerably more power than House members or even some senators. Whereas legislators have to sway a large group of colleagues in order to get a law passed, appellate judges need only one ally on a three-judge panel in order to rule the way they want. And most laws passed by legislators, at least controversial ones, inevitably end up being challenged in federal court and heard on appeal. Given all this, plus the fact that seven of the nine current Supreme Court justices were appellate judges first, it's something of a wonder how little attention has been paid to the ongoing

battle over the judiciary, especially compared with the extensive press coverage leading up to—and following—last year's elections. Instead all we get from the mainstream media are one-shot stories that have much more to do with how the nomination battles are waged than what's really at stake.

And appellate judges don't merely exert their power over Congress by overturning laws. They also police the federal regulatory state. Congress, after all, delegates a significant part of its lawmaking mandate to regulatory bodies like the Environmental Protection Agency. Indeed, Congress regularly sets up entire new agencies, like the Department of Homeland security, to implement its wishes. But when these expert agencies try to carry out their mandates, they frequently find their actions challenged in federal court. Once again, appellate judges make the difference when it comes to whether a regulation will be allowed. They often second-guess laboriously prepared administrative rules, but rarely have their actions reviewed by the Supreme Court.

For precisely this reason, the appellate court most responsible for ruling on federal agency decisions, the U.S. Court of Appeals for the District of Columbia Circuit, is also considered the second most powerful court in the nation. Many Senate Democrats know this. That's why they're having such a tough time weighing the pluses and minuses of filibustering Estrada's nomination. The Wall Street Journal editorial page, which rallies the right's troops on judicial nominations, recently wrote that Democrats ''have no reason to oppose Mr. Estrada other than the fact that he is a conservative who also happens to be Hispanic.'' Well, what about the fact that Estrada could be in a position to gut laws Democrats pass?

Take a closer look at the sort of cases Estrada will be deciding if he makes it to the D.C. Circuit. One well known D.C. Circuit environmental case was 1994's Sweet Home Chapter of Communities for a Great Oregon v. Babbitt, a case over applications of the Endangered Species Act. In this case, a conservative-leaning panel of the D.C. Circuit overturned a Department of the Interior regulation protecting species habitat, ruling that the Department couldn't consider ''significant habitat modification that leads to an injury to an endangered species'' as ''harm'' under the act. The ruling stood for over a year before being overruled by the Supreme Court. But then, most D.C. Circuit rulings are never reviewed at all—Sweet Home v. Babbitt was exceptional in that respect. In other cases, the D.C. Circuit has rolled back regulations to protect wetlands, corporate average fuel economy (CAFÉ) standards, and much more. And that's just in the environmental arena.

The D.C. Circuit has recently regained a degree of ideological balance. But that won't last if Bush's nominees reach the court. And with a conservative D.C. Circuit prepared to upend regulatory actions as it sees fit, legislators would be foolhardy to assume that administrative agencies will actually be able to implement the laws they pass intact.

Of course, some will inevitably object to the power comparison between appellate judges and members of Congress, and perhaps even consider it demeaning to the judiciary. They will point out that appellate judges have a duty to apply Supreme Court precedent, and in many or most cases these judges probably do just that. But even the majority of judges, acting in good faith, have considerable wiggle room under the ''broad contours'' laid out by the Supreme Court. That's what Sen. Joe Biden seems to have figured out, anyway.

Moreover, it has become increasingly clear just how often appellate judges are completely on their own—and how willing they are to use their powers. In the past decade we have witnessed an unprecedented push among conservative judges to invalidate acts of Congress on the basis of a radical reinterpretation of the constitutional relationship between the states and the federal government, sometimes called the ''New Federalism'' (though it has its origins in the philosophy of the original opponents of the U.S. Constitution, the anti-Federalists). This push has had plenty of legal cover, of course, but in effect it has been a clear attempt to wrest power away from Congress. Why shouldn't Senators try to wrest some of that power back?

They can start with Miguel Estrada.

[From the Oregonian, Mar. 3, 2003]

JUDICIAL POWER TRIP

The partisan battle in the Senate over one of President Bush's nominees to a federal judgeship escalated last week with the addition of three more conservative nominees.

This is a high-stakes contest that encompasses more than a handful of judicial appointments; it represents a naked grab at power and an attempt to stack the federal courts in favor of an ultra-conservative ideology.

For nearly three weeks, Democrats have delayed a vote on Miguel Estrada, Bush's nominee to the U.S. Court of Appeals, District of Columbia Circuit. In Senate Judiciary Committee hearings, Estrada simply refused to answer many of Democrats' questions.

The battle has led to ugly name-calling, including the charge that Democrats are treating Estrada differently because he is Latino.

That's simply preposterous. Eight of the 10 Latino appellate judges currently seated in the federal courts were appointed during the Clinton administration.

Republicans should be more careful using the ethnic card. They had no trouble holding up hearings on Latino candidates who were nominated by President Clinton. They used every tactic available to stall scads of Clinton nominees, including anonymous holds on Judge Sonia Sotomayor to the Second Circuit and a four-year delay on Judge Richard Paez to the Ninth Circuit.

Some critics have charged the Democrats are trying to extract payback. Of course, they may have overlooked that the Senate has confirmed 100 of Bush's judicial nominees.

Raising the stakes late last week, Senator Orrin Hatch, R–Utah, chairman of the Judiciary Committee forced committee approval of three more of Bush's controversial nominees. While the tactic seems designed to get some of the president's conservative nominees approved, this isn't a fight about one nominee or three or four.

The fight shows a majority trying to install one point of view and a president who has shown himself to be more doctrinaire than he gave any inkling of before his narrow success in the 2000 election.

In the case of Estrada, it is hard to know what he believes or how he would behave as a judge. He is a graduate of Harvard Law School and was a clerk for U.S. Supreme Court Justice Anthony Kennedy, but little is known about his views. He has an obligation to explain himself.

Ironically, Hatch was outspoken about the need for inquiry into nominees' view when Clinton was in office.

In the best of all possible worlds, it is better to have a judiciary of nonpartisan independent thinkers. But the process of nominating and confirming court appointments has always been far from ideal.

Democrats mustn't cave on this. The fairness and credibility of the nation's courts depend on senators finding a reasonable compromise. Moderates within the president's party should also reconsider their lockstep loyalty.

The balance of power between the executive and the legislative branches is being tested. As Senator Ted Kennedy pointed out last work, the Founding Fathers ''did not intend for the Senate to be a rubber stamp.''

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

MOSCOW TREATY

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will now proceed to the consideration of Executive Calendar No. 1, which the clerk will report.

The senior assistant bill clerk read as follows:

Resolution of Ratification to Accompany Treaty Document 107–8, Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, the treaty we consider today, known officially as the treaty between the United States of America and the Russian Federation on strategic reductions, is truly remarkable in many respects.

The treaty is, of course, remarkable because it encompasses the most dramatic reductions in strategic nuclear weapons ever envisioned between two nuclear powers. It is also worth noting that not since 1954 have the two parties held such a low number of strategic nuclear weapons as that which will be enforced by the agreed numerical limits of this treaty.

Many have observed the extraordinary ease by which this treaty was negotiated and compare its three short pages—indeed, it is just three short pages—to the many thousands of pages of documents negotiated between the United States and the Soviet Union during the cold war.

This last point is, for me, the most significant of all, for as important as the substance of this treaty is, it is the form—the trust between the United States and Russia—that most shines through.

Perhaps this treaty should be known by the epitaph: ''Cold War RIP,'' for it is not unreasonable to hope that this treaty represents and indeed reflects the close of a long era of hostility between these two nations.

In the past few weeks, I and many of my colleagues have had the opportunity to meet with a variety of Russian Government officials who have become regular and welcome visitors in

Washington, DC. I am struck with the degree to which these meetings are about routine matters. We do not agree on everything, but what is most remarkable to me is we do not disagree on everything.

The United States and Russia are entering a new era of relations. Our two nations confront many of the same challenges in today's world, and we have found common cause in responding to the immediate threat of international terrorism. Intelligence sharing and joint action between our two governments has made both of our countries much safer. We seek broader cooperation between our institutions of government, and to that end, I am hopeful the Senate will be able to enter into a deep and longstanding relationship with the upper House of the Russian legislature, the Federation Council. This indeed will build on the excellent work that was initiated and done by my distinguished colleague in the Senate, Senator LOTT from Mississippi.

Finally, we seek to advance the growing economic relationship between our two countries. Toward that end, I will strongly support legislation to permanently remove the Russian Federation from the Jackson-Vanik agreement.

I thank Senators LUGAR and BIDEN for their fine efforts to bring this treaty to the Senate floor in a timely manner. When this treaty was submitted to the Senate, the administration set the not unreasonable expectation that the resolution of ratification not exceed the treaty in length. The committee has indeed met that goal in providing the Senate with a well-crafted resolution of ratification that nonetheless addresses several key elements of Senate prerogative.

I congratulate Chairman LUGAR and Senator BIDEN for their fine work.

Finally, I trust that all Senators have indeed had time to review the committee report on the treaty. It is my hope those who wish to discuss it will do the managers the courtesy of coming forth to speak. Although amendments are in order, I think it would be a worthy tribute to the work of the Foreign Relations Committee to support this resolution in its current form. I look forward to its approval.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I thank the distinguished majority leader for his thoughtful commendation of the work of our committee. I appreciate especially the strong endorsement he has given to the treaty and to the procedures that have brought us to this day.

On behalf of the Committee on Foreign Relations, I am honored to bring the Treaty on Strategic Offensive Reductions, better known as the Moscow Treaty, to the floor for Senate consideration and ratification. The treaty was signed on May 24, 2002, and was transmitted by President Bush to the Senate on June 20, 2002. It reduces operational deployed strategic nuclear warheads to a level of between 1,700 and 2,200 by December 31, 2012.

This is truly a tremendous accomplishment and deserves the full support of the Senate and the Russian Duma. I believe this treaty is an important step toward a safer world.

The Foreign Relations Committee held four hearings and numerous briefings on the treaty, starting in July of last year, under the chairmanship of Senator JOE BIDEN. I thank Senator BIDEN and his staff for the timely consideration the treaty received and for the many opportunities provided to members of the committee to hear testimony and to engage in conversation with experts from the administration and from the private sector.

Moreover, during the last 2 months, Senator BIDEN has been an indispensable partner in constructing this resolution of ratification. Its provisions reflect our mutual efforts to construct a bipartisan resolution that could be broadly supported by the Senate.

The resolution, in fact, was approved unanimously by the Foreign Relations Committee. We are hopeful of a very strong vote on the Senate floor.

During the course of the committee's consideration of the Moscow Treaty, we received testimony from Secretary of State Colin Powell, Secretary of Defense Donald Rumsfeld, and the Chairman of the Joint Chiefs of Staff, Richard Myers. Each expressed a strong desire for an overwhelming vote of approval. In addition to administration witnesses, we heard from the Director of the Arms Control and Disarmament Agency, Ken Adelman; from the former commander in chief of U.S. Strategic Command, GEN Gene Habiger; and our former colleague, Sam Nunn; as well as numerous representatives of think tanks and interest groups.

In addition to efforts undertaken in the Foreign Relations Committee, Senators LEVIN and WARNER and the Committee on Armed Services conducted two hearings examining the military implications of the treaty and shared analysis of their findings with us. These letters have been made a part of the record and our committee report.

Furthermore, the Intelligence Committee conducted a thorough review of the treaty's verification procedures through numerous members only and staff briefings. The Committee on Foreign Relations appreciates the expertise of our colleagues on the Intelligence Committee and what they have lent to this process.

President Bush and President Putin have assigned a high priority to the timely ratification of the Moscow Treaty. Both point to the treaty as evidence that the U.S.-Russian relationship has turned the corner. Areas of disagreement clearly remain, but we are attempting to develop a partnership in the war against terrorism, and both Russians and Americans believe that political and economic cooperation can increase dramatically in the coming decade.

On May 1, 2001, in a speech at the National Defense University, President Bush called for a new strategic framework to transform our relationship with Russia ''from one based on a nuclear balance of terror to one based on common responsibilities and common interests.''

Less than 8 months later, President Bush announced his intention to reduce our nuclear levels unilaterally and invited President Putin to implement similar reductions. This was the beginning of a process that led to a treaty signing during the summit in Moscow last year.

The Moscow Treaty is unlike arms control agreements we have considered in the past. I remember vividly, as do many of our colleagues, visiting the START I and START II treaty negotiations. The United States and the Soviet Union faced off against each other, against conference tables. They met for years. These negotiations produced extensive treaties and verification annexes that described in detail the requirements mandated by the treaties.

To be sure, the treaty before us today could have been more expansive, rigid, and demanding. The negotiators could have followed the cold war template for arms control negotiations and entered into a multiyear discussion process. That procedure did not serve the best interest of either side. Both sides, Americans and Russians, wanted to move quickly to capitalize on the opportunity to sharply reduce strategic weaponry.

The agreement benefits not only the cause of arms control, but also the broader United States-Russia relationship. In my opinion, President Bush was wise to conclude the treaty quickly in this form rather than enter into a more lengthy and uncertain negotiation process.

Russian strategic and nuclear forces are declining. Russian leaders have indicated they would prefer warhead levels to be less than 2,200 by 2012. In fact, Moscow pushed for a limit of 1,500 nuclear warheads and settled for a range of 1,700 to 2,200. It would appear that Moscow is reluctant to accept the resource tradeoffs necessary to maintain a larger force. President Putin inherited a force structure that already was moving toward the deep reductions necessary for START II implementation. Faced with continued resource constraints, he decided to limit further spending on strategic forces while seeking a new treaty to limit the United States and Russian forces in a predictable manner.

In the past, most critics of strategic arms control treaties objected to the constraints these treaties placed on U.S. forces. They often alleged the treaties would expose U.S. security to unnecessary risk. Critics of the Moscow Treaty, however, have made the opposite complaint. They have said the treaty's constraints do not go far enough. Various analysts have suggested the treaty should include a

verification system requirement to dismantle warheads, a specific reduction schedule, and provisions dealing with tactical nuclear weapons.

I share some of the concerns expressed by these critics, but the treaty is an important step forward because it maintains the momentum of an arms control process that has been successful.

The treaty provides a mutual framework for continuing the destruction of offensive nuclear weapons whose purpose was to target the United States of America. It also underscores the importance of the United States-Russia relationship at a time when we are depending on Russian support for the war on terrorism.

Nevertheless, important questions remain and will be discussed during this debate. What happens to the nuclear warheads taken from dismantled Russian delivery systems? I have confidence in the United States storage procedures and appreciate the flexibility the treaty permits in our strategic systems, but I am concerned with the parallel Russian process. We must work with Russia to make certain that these dangerous weapons do not fall into the wrong hands. However, there are readily available means to address these deficiencies.

The primary vehicle for cooperation in reducing warheads to levels set by the Moscow Treaty and addressing the threat posed by warhead security is the Nunn-Lugar cooperative threat reduction program. Without Nunn-Lugar, it is unlikely that the benefits of the treaty will be realized.

During consideration of the treaty, the committee heard testimony from Secretary Powell asserting that increased Nunn-Lugar assistance would serve as a foundation for the cooperation necessary to meet Russian obligations under the treaty and as additional means of verifying that those obligations are met.

My concerns about treaty implementation are compounded by the impasse we experienced over the Nunn-Lugar certification process last year. Each year, our President is required by law to certify that Russia is ''committed to the goals of arms control.'' In 2002, the administration requested a waiver to this condition, pointing out that unresolved concerns in the chemical and biological arenas made this difficult. Meanwhile, existing Nunn-Lugar activities and projects were permitted to continue, but no new projects were initiated and no new contracts were finalized.

President Bush requested a permanent annual waiver to the Nunn-Lugar legislation so we could continue with important work. But some in Congress preferred just a 1-year waiver or no waiver at all. Without a permanent waiver, the President would be forced to suspend dismantling assistance each year pending congressional action to waive the requirement. This could lead to delays of up to 6 months or more, just as we experienced last year.

Let me assure my colleagues, this is not a hypothetical situation. It just happened to us. For more than 6 months, submarines on the Kola Peninsula awaited destruction. Regiments of SS–18 missiles loaded with 10 nuclear warheads apiece were left standing in Siberia, and almost 2 million rounds of chemical weapons in relatively transportable shells awaited elimination at Shchuch'ye. But the Nunn-Lugar program was powerless to address these threats because of congressional conditions drafted over a decade ago.

American dismantlement experts in Russia were forced to wait and watch as these dangerous weapons systems sat in their silos, docks, or warehouses while the conference committee process between the two Houses of Congress dragged on through the summer.

Without the changing of congressional conditions on the legislation or the granting of a permanent Presidential waiver, the current situation could reoccur in the years ahead. To say the least, this would delay full implementation of the Moscow Treaty far beyond the envisioned 10-year time period; namely, 2012.

Let me be clear. The Moscow Treaty alone is insufficient to meet our security needs. The treaty is part of the answer, but without cooperative threat reduction, dismantlement, and warhead security projects, the agreement will not reach its potential in a timely manner.

Critics of the Moscow Treaty suggest this lack of a new verification regime is a weakness that must be rectified. Some have gone so far as to suggest the treaty be shelved until verification is strengthened. But this point of view sees the treaty through a cold war prism when cooperative threat reduction programs did not exist and both sides were trying to maximize strategic nuclear force levels.

The Bush administration has been forthright in its recognition of the lack of a verification provision in the Moscow Treaty, including statements in the President's letter of transmittal and the testimony of Secretary Powell before the Foreign Relations Committee.

The administration's views on verification of the treaty are based upon three basic assumptions: First, the United States and Russia have moved beyond cold war tensions, and the United States would have undertaken these reductions of nuclear warheads regardless of Russia's view—unilateral disarmament. Second, the national security interests of the United States are better served through the flexibility of the Moscow Treaty. And third, Russia is unlikely to have the means or the incentives to violate or withdraw from this agreement.

I believe the level of verification of the Moscow Treaty is sufficient. American verification experts will have the START I treaty verification procedures in place throughout at least 2009. But perhaps more importantly, the Nunn-Lugar program has placed American dismantlement teams and equipment on the ground in Russia now. These teams work on a daily basis with their Russian counterparts to safely dismantle weapons systems. For example, at Surovatika, U.S.-provided equipment is routinely dismantling four ICBMs per month. It is hard to imagine a more complete means by which to verify the dismantlement of weapons than the systematic work occurring under cooperative threat reduction at Surovatika.

Senator BIDEN and I met with President Bush last June to discuss Senate consideration of the treaty, just after the President returned from his visit at the Moscow Summit. We committed to moving the treaty forward in a responsible, bi-partisan, and expeditious manner. The resolution before us today is a product of close cooperation and consultation. I am pleased to report that it enjoys the strong support of the administration.

The resolution of ratification contains two conditions and six declarations. I would like to describe each of these provisions for the Senate.

The first condition requires the President to submit to the Foreign Relations and Armed Services Committees an annual report on the amount of Nunn-Lugar cooperative threat reduction assistance that Russia will need to meet its obligations under the Treaty. As I mentioned earlier, without U.S. assistance, Russia cannot meet the timetable of its obligations under this treaty. Without the Nunn-Lugar program, it is likely the benefits of this treaty will be postponed or never realized.

The second condition requires the President to report to the Foreign Relations and Armed Services Committees on important items related to the treaty, including: 1, Strategic force levels; 2, planned offensive reductions; 3, treaty implementation plans; 4, efforts to improve verification and transparency; 5, status of START I treaty verification extension; 6, information regarding the ability of either side to fully implement the treaty; and 7, any efforts proposed to improve the effectiveness of the treaty.

The report contained in this condition must be submitted within 60 days of the exchange of instruments of ratification of the Treaty and by April 15 of each following year. The extensive nature of this report protects our critical Senate role in oversight of implementation and ensures that this body will remain an integral part of the process throughout the treaty's life.

The first declaration has been in each resolution of ratification for arms control treaties since the INF Treaty's resolution of ratification in 1988. It is known to colleagues here as the Byrd-Biden Condition. The condition articulates the Constitutional principles on which the common understanding of the terms of a treaty will be based.

The second declaration encourages the President to continue efforts to

eliminate the threats posed by strategic offensive nuclear weapons to the lowest level possible while not jeopardizing our country's national security or alliance obligations. Secretary Powell stated in his testimony before the Foreign Relations Committee that ''the Moscow Treaty represents significant progress in meeting the obligations set forth in Article VI of the Nonproliferation Treaty.'' This treaty takes another step in meeting the U.S. and Russian commitments under the Nonproliferation Treaty.

The treaty establishes a Bilateral Implementation Commission, as a diplomatic consultative forum to discuss issues related to implementation of the Treaty. The resolution's third declaration calls on the Executive Branch to provide briefings before and after meetings of the commission concerning: 1, issues raised during meetings; 2, any issues the United States is pursuing through other channels; and 3, Presidential determinations with regard to these issues. This provision has been included to ensure that we remain fully aware of the activities of the Bilateral Implementation Commission.

During the hearings on the treaty, Secretary Powell and Secretary Rumsfeld testified that non-strategic nuclear weapons remain an important issue and expressed a strong interest in working closely with Russia to reduce associated threats. The resolution's fourth declaration is meant to underscore the threat posed by tactical nuclear weapons. It urges the President to work closely with Russia and to provide assistance on the full accounting, safety, and security of the Russian tactical nuclear weapon stockpile.

In 1991, President George H. W. Bush and Mikhail Gorbachev announced the removal of their deployed nonstrategic nuclear weapons. In Helsinki in 1997, Presidents Clinton and Yeltsin agreed to begin talks on these weapons, but negotiations have failed to materialize.

Secretary Powell has reported that the inclusion of tactical nuclear weapons was not possible in the Moscow Treaty. Thus far, Russia has declined to engage in discussions on the future of non-strategic systems. This declaration is meant to communicate the Senate's concerns about the threats associated with non-strategic weapons. It is our hope that there will be further dialogue and, if possible, greater efforts to secure these systems.

The fifth declaration encourages the President to accelerate U.S. reductions where feasible and consistent with U.S. national security requirements so that reductions may be achieved prior to December 31, 2012.

The final declaration has been included in an attempt to address concerns put forward by some Senators regarding the treaty's withdrawal clause in Article IV. This text follows up on Secretary Powell's commitment to consult with the Senate should the President consider the utilization of the withdrawal provision.

The Foreign Relations Committee asked the Secretary: ''What role will the Congress have in any decision to withdraw from this treaty?''; and ''Will the administration agree to at least consult closely with this committee before making any such decision?'' The Secretary responded that: ''While it is the President who withdraws from treaties, the administration intends to discuss any need to withdraw from the treaty with the Congress, to include the Senate Foreign Relations Committee, prior to announcing any such action.''

While I am sympathetic to arguments from Senators regarding the need to maintain Senate prerogatives, the process governing termination and withdrawal is a point of Constitutional debate. Although the Constitution assigns a specific role for the Senate in the treaty ratification process, it is silent on the is due of treaty termination. Furthermore, nothing in the Constitution restricts the President from terminating or withdrawing from a treaty on his own authority.

Presidents have consistently terminated advice and consent treaties on their own authority since 1980. Twenty-three of the thirty treaties terminated during this period were bilateral; seven were multilateral. Prior to 1980, Senator Barry Goldwater challenged Presidents Carter's termination of the Mutual Defense Treaty with Taiwan. Senator Goldwater's challenge failed and the treaty was terminated. Since that time, objections have been raised only with respect to Presidents Bush's withdrawal from the ABM Treaty.

The White House Legal Advisor has long argued that the President is the principle spokesman of the nation in foreign affairs and restrictions on the power have been strictly construed.

Given the absence of a textual basis conferring the termination power on another branch or an established practice derogating from the President's termination power, it is difficult to envisage such a role for the Senate.

Proponents of a Senatorial role in this process will often respond by suggesting that the President cannot on his own authority terminate a treaty because it is the ''law of the land.'' Again, the White House suggests this is a fallacy. A terminated treaty no longer has effect in much the same way that a provision of a law or treaty found by the courts to be unconstitutional no longer has effect. However, in neither case is the law repealed.

Historically there is evidence of only one instance in which the Senate sought by a resolution of advice and consent to limit the President's constitutional power to terminate a treaty. The first condition to the 1919 proposed resolution of advice and consent to ratification of the Versailles Treaty would have provided: ''notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.'' Vice President Thomas Marshall, addressing the Senate before the vote, called the condition an unconstitutional limitation on the President's powers—a view with which a number of leading scholars of the day concurred. However, the resolution failed to receive the required two-thirds vote and the question has remained moot for the better part of a century.

Beyond the legal issues which underlie this debate, some have expressed concern that Article IV differs from previous arms control agreements in that it only requires three months notice and permits withdrawal based upon issues related to national sovereignty. Critics point out that the START Treaty allows a Party to withdraw, after giving 6 months' notice and only ''if it decides that extraordinary events related to the subject of this Treaty have jeopardized its supreme interests.''

I do not view the withdrawal provisions as a weakness in the treaty. Instead, I believe it is another manifestation of the improved U.S.-Russian relationship. It should also be pointed out that our bilateral relationship provides us with some confidence that the time and reasons for withdrawal would not necessarily relate to the agreement. As the Secretary of State told the Committee: ''The Moscow Treaty's formulation for withdrawal reflects the likelihood that a decision to withdraw would be prompted by causes unrelated either to the Treaty or to our bilateral relationship. We believe this formulation more appropriately reflects our much-improved strategic relationship with Russia.''

Mr. President, in performing its constitutional responsibilities with respect to treaties and international agreements, the Senate has to reach a judgment as to whether, on balance, U.S. acceptance of the obligations contained in the treaty serves the national interests of the United States.

The Moscow Treaty is not without blemishes. The Senate should not be surprised that the treaty is not perfect or that it does not cover every desired area of bilateral arms control. But that is not the point. The proper question is whether on balance, the Moscow Treaty serves the national security of our nation.

For some, no arms control treaty is good enough. Indeed, the very high stakes of the cold war and the fact that arms control cheating by the Soviet Union represented a potential threat to the survival of the United States led to a legitimate focus on treaties with high standards, especially for verification and the ability to detect even minor violations.

The cold war is over, and treaty requirements must suit U.S. national interests as they exist today. The Moscow Treaty charts a course towards greater security for both the United States and Russia. I urge my colleagues to ratify this treaty and approve the resolution of ratification without amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I am pleased to join our esteemed chairman, Senator LUGAR, in presenting the Senate this resolution giving the Senate's advice and consent to ratification of the Treaty on Strategic Offensive Reductions, known in the vernacular as the Moscow Treaty. Let me state flatly at the outset, I urge my colleagues to support the treaty.

On February 5, as Senator LUGAR noted, the Senate Foreign Affairs Committee approved this resolution unanimously. The committee did so, in my view, for two very good reasons.

First, the Moscow Treaty should be ratified and implemented. It is true that there is much that the Moscow Treaty does not do, which I will discuss at some length. But virtually all of the witnesses at our hearing recommended the ratification of the treaty because its implementation would be a step toward a more secure world. Reducing each nation's deployed strategic warheads from approximately 6,000 to between 1,700 and 2,200, in my view, will move us further away from the cold war era and may—I emphasize may—and I hope promote a United States-Russian relationship based upon mutual cooperation.

Second, in my view, while the resolution does not include everything we may want, it does address many of our concerns. It requires significant annual reporting by the executive branch on implementation of the treaty so that the Senate can oversee and support that implementation. These are important gains from an administration that first opposed any treaty at all and then pressed for a clean resolution of ratification. The administration has agreed to support and implement this resolution before the Senate. I think the country will benefit from that.

But there is much the Moscow Treaty does not do. So in the spirit of not engaging in false advertisement, I think we should speak about that a little bit. It is very unusual, at least in my 30 years as a Senator working on many arms control agreements from the Senate perspective, that an arms control agreement by any standard be put forward the way in which this one has.

In our hearings, the Secretary of Defense proudly compared the three pages of this treaty to the roughly 300 pages of the START treaty signed by the first President Bush. But that is just the beginning. Traditional arms control agreements usually involve the negotiated level of arms to which the parties will be held. They usually require the destruction of some weapons. Often they specify milestones that must be achieved in reducing those arms and bar withdrawal from the treaty unless there is a good reason to withdraw and the President gives or the other side gives 6 months notice.

For decades, there has been emphasis on verifying that each party is complying with its obligations. We remember the famous phrase uttered by former President Reagan: Trust but verify.

In addition, the United States worked to ban MIRV ICBMs in the START II treaty. I know the Presiding Officer knows, but for those who may be listening, the MIRV'd ICBM is a single missile, a single rocket upon which multiple nuclear warheads sit and when the rocket goes off and the head of the missile comes off, it contains more than one nuclear warhead, and you can independently target each of those nuclear warheads, in the vernacular.

So we have thought for years and years, these are the most destabilizing weapons that existed, and we worked very hard, and the first President Bush worked very hard, to eliminate either side being able to possess these multiple warhead missiles with independently targeted warheads. It was contained in the START II treaty.

We were hoping in START III to control tactical nuclear weapons. They are the weapons that are shorter range and are used at shorter distances, referred to as tactical nuclear weapons. We had hoped to have a de-alerting of weapons slated for later elimination.

That is, the purpose we initially started off with was: Look, if we are agreeing we are going to get rid of these weapons, while we are going through the process of destroying them or taking them out of the silos or out of the bellies of submarines or out of the bellies of bombers, what we will do is we will de-alert them. That is, we will pull the plug. They will sit there, but they will not be aimed at anybody. They will not be on alert.

So for the longest time our objective, for stability reasons and for security reasons, was to get rid of multiple warheads, to make sure we move to include tactical nuclear weapons which are destabilizing so we begin to reduce them and, third, to say while we are getting ready to destroy these weapons, or take them out of the inventory, we will de-alert them. That is, not keep them on a hair trigger.

None of these objectives was achieved, or for that matter attempted, in the Moscow Treaty we are about to ratify—I hope ratify.

For starters, the United States unilaterally set this treaty's arms control levels before any negotiation. Indeed, the administration saw no particular reason for this treaty in the first place. Initially they said they would not do it as a treaty.

According to the Secretary of State:

> We concluded before the Moscow Treaty was negotiated that we could and would safely reduce to 1,700 to 2,200 operationally deployed strategic nuclear warheads, regardless of what the Russians did.

Secretary Powell reports that President Bush then told President Putin:

> This is where we are going. We are going there unilaterally. Come with us or not, stay where you are or not.

In short, the Moscow Treaty does not codify an agreement. Rather, it codifies two unilateral decisions to reduce strategic forces. That is not a bad thing, but it is not such a significant thing.

Another way in which the Moscow Treaty differs from previous arms control agreements is that it does not require the elimination of any missiles, any bombers, any submarines, or any warheads. As a result, each party is free to stockpile its officially reduced weapons.

We used to fight with our conservative friends on this floor who said we could not support such-and-such arms control treaty proffered from President Nixon through to President Ford and President Reagan and President Bush—we could not do it unless we were certain that the missile was destroyed, the warhead was destroyed, the submarine was destroyed. We used to hear what is going to happen is they are going to take these missiles and they are going to hide them in barns and they are going to hide them in the woods and they are going to hide them in camouflaged areas.

Let's be clear what this treaty does. It says you have to get down to 1,700 to 2,200 of these within the next 10 years or so, but all you have to do is take them out of commission. You don't have to destroy them. You can stockpile them. You can put them in a warehouse. You can pile them up in a barn for ready reload. You can take them back out. You don't have to destroy anything. That is in fact what the United States plans to do with many of its reduced weapons. They are reduced, not destroyed.

Trident submarines that are taken off nuclear patrol will be converted to other purposes—and could presumably be reconverted to carry strategic nuclear weapons, although at some cost.

Bombers will also be converted; actually, their re-conversion to strategic nuclear uses might be rather difficult.

According to recent press stories, the United States might use ICBMs to deliver conventional payloads. That would leave the missiles still available for use with nuclear warheads instead.

And the administration says that about three-quarters of the reductions may be made simply by ''downloading''—that means by removing bombs and warheads from bombers and missiles, while leaving the delivery vehicles in service.

What happens to those ''downloaded'' warheads? Of the thousands of warheads that will be ''reduced'' by the United States, many—perhaps almost all—would be retained in some form of reserve status, available to be returned

to action in months, weeks, or even days.

The Secretary of State did not indicate that some warheads would be dismantled. But the administration has yet to earmark a single type of warhead for dismantlement.

For years, now, the Air Force has been prepared to give up the W–62 warheads on its Minuteman Three missiles.

They will be replaced by the W–87 warheads that are removed from the Peacekeeper missile, which is to be retired. But the Defense Department seems incapable of letting go of the old warheads.

I will move on. The Secretary of State did indicate, though, that some warheads would be dismantled, but the administration is yet to earmark a single type of warhead that we are going to dismantle. My support for ratification of this treaty is based in part on the administration's assurances for the record that ''some warheads are to be removed and will be destroyed or dismantled.''

Since the statement was made, however, there has been no action by the executive branch to turn this into a reality. I expect the administration to live up to Secretary Powell's commitment. If it should fail to do so, this would endanger the process by which the Senate gives advice and consent to the ratification of not only this treaty but every treaty in the future.

An equal concern for me is the question of what the Russians will do with its reduced weapons. If it follows the lead of the United States, it will try to retain as many missiles and bombers as possible, and it will stockpile its downloaded nuclear weapons rather than dismantling them and disposing of the excess fissile material.

Under this treaty, Russia can do whatever it wants with its so-called reduced weapons. But we have a stake in Russia's decision on this. That is because of the risk that Russia will not adequately protect the weapons and nuclear materials it has stockpiled.

It is one thing for us to decommission, reduce our nuclear weapon and stockpile it. We have exceedingly tight security on such material.

The Russians have incredibly, incredibly insecure facilities because they lack the money to be able to maintain these secure facilities. I worry that if Russia does not destroy them, that they will find themselves—and we will find ourselves—susceptible to the clandestine sale or the actual stealing of these materials, and they will fall into the hands of people who do not have our interests at heart.

The only threat to our very existence is the accidental launch of Russian missiles, and that is why I still worry about the MIRV'd ICBMs. But perhaps the worst other threat to America is that some Russian nuclear weapons, or material with which they make them, could be stolen or diverted to rogue states or terrorist groups. The more weapons Russia stockpiles, the greater the risk not all of them will be properly safeguarded.

To combat that danger, our chairman cofounded the Nunn-Lugar program to assist the Soviet Union—and now its successor states—in meeting their arms control obligations.

Related programs in the Energy Department and the State Department help Russia to safeguard its sensitive materials, and to find civilian careers for its thousands of weapons scientists.

These programs will have a major role to play in the years to come. With Nunn-Lugar, we can enable Russia to destroy its old delivery vehicles rather than mothballing them. Russian officials have already decided they want to move in that direction.

Let me put something in focus, by the way. The entire budget for Russia for this fiscal year is roughly $40 billion. The entire Russian military budget is $9 billion.

My neighboring States of Pennsylvania and New Jersey have budgets bigger than all of Russia. I suspect if you added up all their law enforcement and prison-related budgets, it probably exceeds the entire defense budget of Russia.

Our defense budget, and I make no apologies for it, is between $350 and $400 billion. So I want us to keep this in focus. The ability of Russia to maintain and/or take the money to destroy this fissile material and mothball nuclear capacity is very limited, increasing the need for Nunn-Lugar, the threat reduction money, to be spent on American scientists with American contractors to go to Russia to destroy these weapons for them because they do not have the money to do it.

U.S. assistance can also help Russia to secure and dispose of its excess fissile material. That is the stuff that makes nuclear explosions. That is the stuff that is the product from which chain reactions, nuclear chain reactions start.

That is an urgent and continuing task, with or without this treaty.

I think the administration understands this. The Secretary of State has laid it out:

> U.S. assistance helps to improve the security of Russia's nuclear weapons by improving their physical protection (fencing, sensors, communications); accounting (improved hardware and software); personnel reliability (better screening); and guard force capabilities (more realistic training).
>
> These improvements are particularly important because Russia faces a difficult threat environment—political instability, terrorist threats, and insider threats resulting from financial conditions in Russia.

Translated: The Russian Mafia; translated: Departments seeking money to keep their folks employed doing things that are not in the interest of Russia, and clearly not in the interest of the United States.

The Secretary of State also assured the Committee that:

> . . . we intend to continue to work with Russia, under the Cooperative Threat Reduction, CTR program, when and to the extent permitted by law, to make its warhead storage facilities more secure.
>
> Such U.S. assistance will also increase the security of the Russian warheads made excess as provided in the Moscow Treaty.

The Secretary of State continued:

> If requested by the Russian Federation, and subject to the laws related to CRT certification, the Administration would be prepared to provide additional assistance for removing, transporting, storing, and securing nuclear warheads, disassembling warheads and storing fissile material, dismantling surplus strategic missiles, and disposing of associated launchers.

I am pleased that the administration accepts the need to use Nunn-Lugar and related programs in implementing this treaty, and that the 2004 budget request has a 9-percent increase for Nunn-Lugar.

That increase is probably spoken for, however, by the cost of building—belatedly—a chemical weapons destruction facility at Shchuch'ye. So I wonder, at least, whether enough fund are budgeted for Nunn-Lugar; I hope they are but I don't think they are.

And I hope that the President will prevail upon his own party in the House to give him more than temporary authority to waive certification requirements for these programs.

Nunn-Lugar efforts cannot achieve their maximum effectiveness if every year or so the funds dry up for months at a time, while waiting for Congress to permit another presidential waiver.

The laissez-faire nature of the Moscow Treaty is also evident in the timing of its reduction requirement.

This is very unusual. Under Article I of the Treaty, the reductions must occur ''by December 31, 2012.'' Until that date, there is no reduction requirement. Indeed, until that date, there is nothing barring each party from increasing its force levels.

A party could even have more weapons than it has today, so long as it does not exceed START Treaty levels before that treaty expires in 2009. I don't expect that, of course, but there is nothing to prohibit it.

And what happens on December 31, 2012. The treaty expires.

If a party fails to achieve the reductions required by this treaty, the other party will have little recourse. The treaty codifies legally binding promises, but provides no way to make the Parties live up to them.

This is a very unusual treaty.

Most curious of all, perhaps, is the withdrawal provision in Article IV of the treaty. You might think that, with no obligations until the very last day of this treaty's existence, there would be little reason ever to withdraw from it. That is certainly what I think.

Just in case, however, the treaty has what is probably the most liberal withdrawal clause in any arms control treaty. A party can withdraw with only 3 months' notice.

There is no need for withdrawal to be due to ''extraordinary events related to the subject matter of this treaty [that]

have jeopardized its supreme interests,'' as is required in the START Treaty signed by the first President Bush.

Indeed, there is no requirement in this treaty to state any reason for withdrawal.

I hope the administration is correct in its view that we no longer need verification. The Secretary of State said, ''in the context of this new relationship, a treaty with a verification regime under the Cold War paradigm was neither required nor appropriate.''

It may be that we need not care what Russia does. That might explain why the Moscow Treaty leaves it to each party to decide what weapons it is reducing and how it will do that, and sets no benchmarks for measuring progress between now and December 31, 2012.

To this day, the Russian Federation has yet to say how it defines the term ''strategic nuclear warheads,'' or how its reductions will be made.

We can only hope that his laissez-faire approach to arms control obligations will not lead to misunderstandings down the road. With no agreed definitions and no benchmarks, I respectfully suggest that there is lots of room for quarrels over whether a party will really be in compliance by December 31, 2012.

Perhaps voluntary transparency by each party will assure the other that arms reductions are proceeding properly.

I applaud the decision to establish a transparency committee under the U.S.-Russia Consultative Group on Strategic Security.

But I am not reassured by the Secretary of State's statement that ''specific additional transparency measures are not needed, and will not be sought, at this time.''

It may be that continuing U.S. assistance to Russia under the Nunn-Lugar program and other assistance programs will give us such visibility into Russian forces that we will have no need of verification.

But if we are to rely on that window, then—as I noted earlier—President Bush ought to persuade House Republicans to let him waive the certification requirements that periodically stall the funding of our programs for months at a time because if there is no verification and no ability through the threat reduction program to look inside what Russia is doing, then we are operating in the blind.

When the President requested that authority to waive provisions allowing him to move forward with Nunn-Lugar, it was people in his own party in the House who refused to make that authority permanent.

Previous Presidents gave special attention to the need to do away with MIRVed ICBMs. The first President Bush achieved that in the START II Treaty.

But Russia refused to let that treaty enter into force unless we continued to adhere to the Anti-Ballistic Missile Treaty. When the current President Bush pulled us out of the ABM Treaty, START II died.

Why worry about MIRVed ICBMs? A MIRVed missile has multiple warheads. It's cheaper to put several warheads on a single missile than it is to build, house and launch several missiles.

But if I put 6 or 10 warheads on a missile, and you can take that missile out with only 1 or 2 warheads by attacking first, then my military planners are going to be nervous.

And that is precisely what can happen if my missile is an ICBM in a fixed silo. It may be powerful, but it is also a sitting duck.

So my military planners are going to say to me: We need to be able to fire our missiles before the attacking missiles land on them. The nuclear theologians call this: ''Use 'em or lose 'em.'' Put another way, if Russia has MIRV'd ICBMs sitting in silos, and we get to a point—hopefully, that will never happen—in the next year, decade or two decades, and they know that one of our warheads can take out that multiple warhead ICBM they have on the ground, their military planners are going to say: You better strike first with that missile because if you don't, it will be taken out. And we are going to sit here and say: We know that is what their military planners are going to do, so we better take that missile out first.

That is called destabilizing. That does not lend security or a sense of security. That is why the first President Bush, and every other President before him, said it was important, of any missile you get rid of, to do away with MIRVed warheads because they were destabilizing, they were on a hair trigger.

This ''use 'em or lose 'em'' strategy is still in play. I will use radars and satellites to tell when somebody is attacking me. My command and control system will allow me to order a launch of my nuclear-tipped missiles within 10 minutes because that is all the time I will have between the warning of a possible attack and when the warheads will start falling on my MIRVed missiles.

Now, if I am the United States, that works. But if I am Russia, my missile warning network is made of Swiss cheese. Some of my satellites do not even work if I am Russia. I lost some radars when the Soviet Union broke up. And worse yet, my rocket force troops are so poorly paid, so ill-housed, that sometimes they even go berserk and shoot each other. This is not a joke. They really do. So there are risks in basing our deterrent force on MIRVed ICBMs. And if Russia's nuclear-tipped missiles are ever launched in error, we in the United States are the ones most likely to suffer.

But the administration is confident that none of this will happen. The Secretary of State told the Foreign Relations Committee:

> We cannot conceive of any credible scenario in which we would threaten to launch our strategic forces at Russia. The scenario . . . of Russia believing it faced a ''use it or lose it'' situation with its force of MIRVed ICBMs is therefore not a credible concern.

As a former press secretary of mine used to say—Evelyn Lieberman—''My lips to God's ears.'' Hopefully, that is true.

As a result, President Bush felt at liberty to tell President Putin:

> [Y]ou can do whatever you think you have to do for your security. You can MIRV your missiles, you can keep more, you can go lower. Do what you think you need.

I sincerely hope the relationship between the United States and Russia has truly been transformed and that, as President Bush wrote in his letter of transmittal, ''Russia is not an enemy, Russia is a friend''—a friend, I might add, that is not with us right now on the Security Council and not with us with regard to Iraq, but that is a parenthetical note.

Most of all, I hope that Russia feels the same way. If President Putin fears a U.S. attack, then it won't matter what President Bush has as his intent.

If the Russian military fears a U.S. attack, their missiles may stay on a ''hair trigger'' alert even if President Putin does not share their fears.

In short, the Moscow Treaty is a treaty that is long on flexibility accorded to each party and short on provisions intended to ensure compliance. That emphasis on military flexibility is the hallmark of this administration. It is an understandable response to dangerous times, but I think it is also a vision that ignores many of the political risks.

This administration has also promoted a nuclear weapons policy that speaks of the use of new ''bunker-buster'' weapons against deeply buried targets, treating nuclear weapons as a handy tool just as any other weapon, and thus lowering the threshold for nuclear war.

This administration also speaks of possible new nuclear weapons tests. This administration speaks of the possible use of nuclear weapons against states that neither have such weapons nor are allied with states that have them, contradicting previous American statements that we made in order to maintain other countries' support for the Nuclear Non-Proliferation Treaty.

This administration has indicated possible preemptive attacks, perhaps with nuclear weapons, on states that we fear are preparing to do us harm—again, perhaps even if those states do not have nuclear weapons.

I do not doubt that if we went through this list, issue by issue, we would find that the administration has understandable reasons for its actions. But in foreign affairs, understandable reasons are not enough. We need a sensible strategy. We need statecraft that offers what Thomas Jefferson called ''a decent respect to the opinions of mankind.''

In that respect, we risk alienating ourselves from those who could be of

help to us in many areas. The issue may be to keep an American on a United Nations commission or whether to support an American use of force in Iraq. Chickens come home to roost.

The fact is, we cannot take these unilateral positions irrespective, in my view, of world public opinion and then not expect to pay for it down the road somewhere. I would respectfully suggest, parenthetically, I think we are paying for some of that right now in the United Nations Security Council.

This fixation with military power extends to the Moscow Treaty as well. How should we handle a treaty that calls for significant force reductions but also allows each party to keep its powder dry?

Retired Senator Sam Nunn, former chairman of the Armed Services Committee, has a good term for the Moscow Treaty. He calls it, not ''the Moscow Treaty,'' but the ''good-faith treaty.'' Senator Nunn adds:

> It expresses—and relies upon—good faith in our common interests and the common vision of our leaders.

I think it is a pretty good way to characterize this treaty.

But when he testified before the Senate Foreign Relations Committee, Senator Sam Nunn added a very important point about the treaty. He said:

> If it is not followed with other substantive actions, it will become irrelevant at best—counterproductive at worst.

Let me read that again. He said: ''If it is not followed with other substantive actions''—he means actions in terms of arms control and verification, and the like—''it will become irrelevant at best—counterproductive at worst.'' I share his view.

I support the Moscow Treaty because, on balance, it enhances our national interests. Put another way: To reject this treaty, in my view, would harm our national interest and, as I said at the outset, the relationship between the United States and Russia.

The arms reductions in it do not go far enough, in my view, but they are better than nothing. There is no verification provisions, but good faith, information from START verification activities, and Nunn-Lugar may be a good substitute for verification.

There is a risk that the Russians will rely upon MIRVed ICBMs that raise the threat of an accidental war, but there is also a chance that Russia will destroy those missiles as fast as they can pay for their destruction.

The flexibility built into this treaty could undermine each party's commitment to reductions and its confidence that the other side will achieve them, but the Bush-Putin relationship, which is now being somewhat strained on North Korea and on Iraq, could lead to new patterns of cooperation that make further formal agreements unnecessary.

May all the good outcomes come to pass, but they require a leap of faith. In the meantime, however, I worked with Chairman Lugar to draft a resolution of ratification that keeps Senator Nunn's admonition in mind. We must build on this treaty in order to ensure its success.

The resolution before us strengthens congressional oversight of the Moscow Treaty implementation and highlights some of the areas on which the administration should build on the treaty to secure a safer world for ourselves and future generations. The resolution includes two conditions and six declarations. Let me briefly go through them.

Condition (1) requires an annual report to the Senate Foreign Relations and Armed Services Committees on how U.S. cooperative threat reduction and nonproliferation assistance to Russia can best contribute to enabling Russia to implement its side of the bargain. Reports subsequent to the initial report will be due on February 15 so that the Senate can take them into account as it considers the budget for programs for which the administration is calling. This is vital because U.S. assistance can bring about the weapons dismantlement the Moscow Treaty fails to achieve.

Condition (2) requires an annual report to the Foreign Relations and Armed Services Committee on U.S. and Russian strategic force levels; each party's planned reductions for the current year; each party's plans for achieving the full reductions by December 31, 2012. Further, it requires reporting on any measure, including verification or transparency measures, taken or proposed by a party to assure each party that the other will achieve its reductions by December 31, 2012.

Condition (2) also requires information relevant to the treaty learned through START verification, and the status of consideration of extending the START verification regime beyond December 2009 when the START treaty is scheduled to expire; anything calling into question either party's intention or ability to achieve the full Moscow Treaty reductions by December 31, 2012; and any action taken or proposed by the parties to address such concerns. This report will provide a strong foundation for Senate oversight of the treaty's implementation.

The first declaration in the treaty reaffirms the Biden-Byrd condition on the authoritative nature of executive branch representations to the Senate and its committees during the ratification process insofar as they are directed to the meaning and legal effect of the treaty.

In other words, it says the President—this President or a future Democrat or Republican President—cannot reinterpret the treaty, cannot give it a meaning different than was suggested to us as what it meant.

There is a second declaration. It encourages the President to continue strategic offensive reductions beyond those mandated by this treaty to the lowest possible levels consistent with national security requirements and alliance obligations of the United States. Declarations, I might note, for the Presiding Officer, who knows this well, are nonbinding. But this one makes clear that the Moscow Treaty should not be the end of arms control.

President Bush also issued a joint declaration on May 24, 2002, with Russian President Putin that declared ''their intention to carry out strategic offensive reductions to the lowest possible levels consistent with our national security requirements and alliance obligations and reflecting the new nature of their strategic reductions.''

The joint declaration went on to call the Moscow Treaty a major step in this direction—not the final step, only a major one. The clear implication is that further reductions may follow. This declaration gives the arms reduction process the Senate's blessing, just as we did when considering ratification of START and the START II treaties.

The third declaration states the Senate's expectation that the executive branch will offer to brief the Senate Foreign Relations and Armed Services Committees on issues raised in the bilateral implementation commission, which is part of this treaty, on Moscow Treaty issues raised in other channels, and on any Presidential determination regarding such issues.

Given the lack of verification or transparency provisions in the Moscow Treaty, the bilateral implementation committee established by article III of the treaty may play a major role in assuring that each party knows what the other party is doing and retains confidence that the reductions required by article I will be completed on time—a very important point, on time. Remember, there are no drop-dead dates here.

The fourth declaration urges the President to engage Russia with the objective of, one, establishing cooperative measures regarding the accounting and security of nonstrategic—that is, or tactical—nuclear weapons, and two, providing U.S. and other international assistance to help Russia improve its accounting and security of these weapons. The first meeting of the U.S.-Russian Consultative Group on Strategic Security established a committee to examine these issues. The administration witnesses listed this as a top priority. This declaration, in my view, adds the Senate's encouragement to pursue the issue of tactical nuclear weapons. It does not call for bilateral agreement on reductions of those weapons because several outside witnesses said no Russian agreement to such reductions was likely.

The fifth declaration before us encourages the President to accelerate U.S. force reductions where feasible and consistent with U.S. national security and alliance obligations. The Treaty's intended reductions may be achieved prior to December 2012. To me, the wisdom of faster reductions is clear. It will reassure the world of our commitment to reduced nuclear forces to a reasonable level as speedily as we can. They will also ease any possible

Russian concerns about whether we will meet the one deadline in the treaty. Department of Energy and Air Force officials warn that absent additional resources, major bottlenecks would slow down an accelerated reduction effort.

The Congressional Budget Office report on the treaty cites specific concerns in that regard. But those concerns relate to an effort to complete all reductions by the year 2007.

I believe in the years after 2007, when the transfer of Peacekeeper warheads to the Minuteman III missile will have been completed, faster reductions will be much more feasible.

There is declaration 6. It urges the President to consult with the Senate prior to actions relevant to article IV, paragraph 2, which relate to extending or superseding a treaty, or paragraph 3, which relate to withdrawal from the treaty. This declaration builds on the statement of the Secretary of State that ''the administration intends to discuss any need to withdraw from the treaty with the Congress, to include the Senate Foreign Relations Committee, prior to announcing any such action.''

The Secretary's statement could mean only that the administration would discuss with the Senate the need to withdraw when the decision has already been made. This declaration we have in the resolution goes further, by urging the President to consult with the Senate. One may discuss after the decision has been made, but one can only consult before a decision has been taken. The latter is what the Senate expects if this treaty is passed, and this expectation extends beyond the withdrawal issue to cover actions relevant to extending or superseding the treaty. It is vital that the executive branch consult with us when it is considering changes in a treaty. That way, Senators can raise any concern before decisions are made that might jeopardize the chances of securing our advice and consent to ratification.

The resolution of ratification before us was recommended unanimously by the Senate Foreign Relations Committee. I believe it will make a real contribution to the success of this treaty, and I urge all of my colleagues to support it.

To be sure, the resolution does not address every issue we could raise. It clearly does not speak to every declaration that I think should be included in this treaty, but neither is it the only venue in which to raise those issues. For example, consider what the Foreign Relations Committee's report of the treaty says about the proposal by GEN Eugene Habiger, former commander of U.S. Strategic Command:

> Members of the committee . . . share General Habiger's view that options for reducing alert status should be evaluated by those with significant expertise on the specific weapons systems in question. If the President does not order preparation for such analyses, Congress could require the analyses or establish a commission of weapons systems experts to undertake this task. Such commissions have been created before, some under the auspices of the National Academy of Sciences, and have proven useful in considering issues of such a technical nature.

Senator LUGAR and I do not think this resolution of ratification is a proper vehicle through which to establish such a commission, but unless something has changed, which I know it has not, we will continue to pursue this proposal in a venue other than this treaty.

The committee's report also addresses two other issues we were unable to incorporate in the resolution of ratification. On verification and transparency, our report says:

> The committee believes that the absence of verification provisions in the Moscow Treaty makes confidence and transparency a high priority issue. . . . The United States should not only practice transparency, but also promote it, in close coordination with the Russian Federation.

Our report goes on to say:

> The committee urges the President to use implementation of the Moscow Treaty as a means to foster . . . mutual confidence in the national security field.

The report also calls attention to the Congressional Budget Office's estimate that further drawdowns in strategic delivery vehicles after 2007 could save some $5 billion.

Our report adds:

> The committee recommends that the President give particular attention, as the Moscow Treaty implementation proceeds, to the possibility that modest further reductions in strategic delivery systems after 2007 could lead to significant cost savings without endangering the national security.

The Armed Services Committee and the Foreign Relations Committee can pursue both of these issues as they oversee the implementation of the treaty in the coming years, and I am committed to doing so, and I believe the chairman is as well.

Some of my colleagues are concerned about still other issues. Several amendments may be proposed today. Some of them are amendments I would like to support, but I will not support any additional amendments because I think it is fair to say, speaking for myself, but I think it reflects the view of the chairman—he may have already mentioned it—we believe that in order to get the cooperation we had to add the total of eight declarations or conditions to this treaty, we would, in fact, oppose other amendments, some positive, some, in my view, very negative. So it will be my dubious distinction of possibly voting against some amendments that I think are useful because I think if that were to happen and we started to load this up, we might very well lose this treaty. I think it is very important.

It is a mild exaggeration to suggest, but not very far off, that my view is that the value of the treaty is exceeded only by the danger of failing to ratify this treaty, and there is a danger, in my view, of failing to ratify this treaty. This is not a treaty, were I in charge of negotiation—as my Grandfather Finnegan used to say, this is not the whole of it—this is not all of what I would like to have seen in this treaty. I sincerely hope this further changes the atmosphere in the positive direction it has been changing, that this administration and the Russian administration will conclude we should be dealing with MIRV missiles, we should be dealing with tactical nuclear weapons, and we should be dealing with other genuine mutual concerns that we have. I am confident if we reject this treaty, if we bog it down and it does not get the necessary supermajority required, then it will make those possibilities impossible in the near term.

So in each case, as these amendments are put forward, if they are, I will be guided also by the need to maintain administration support and Senate consensus regarding the resolution of ratification as a whole.

I say to my Democratic colleagues on my side of the aisle, I do not presume to speak for them all. Generally, I do not think it is appropriate for the chairman or a ranking member to commit his or her party to a single position that that chairman or, in this case, the ranking member takes.

I respect my colleagues who may come forward with amendments, but I hope they understand my rationale and why I will not be supporting those amendments, even the good ones, because there is no amendment I can see that is so significant that it would cure all the defects or all the things this treaty fails to address. The risk I am concerned about is bogging this treaty down.

It is a good resolution, I say to the Presiding Officer, who knows that as well as or better than anyone present—he is one of the most informed people in this body on foreign relations and arms control issues. I think it will be implemented. The reporting it requires, I think, will enable us to do our constitutional duty of watching over the treaty in the coming years.

Let's pass it and then work together to make it a success and work together to take the next steps we have to take.

I would note to my chairman that there may be a resolution unrelated to any amendment to this treaty calling for the Senate to go on record in a much more forceful way to support a comprehensive non-proliferation strategy and Nunn-Lugar cooperative threat reduction efforts. As I said in the chairman's absence, without verification, there are only two things that give me real solace, and they are the insight we get from the Nunn-Lugar initiatives and cooperative threat reduction, as well as the remaining verification process that exists within the START treaty which will expire three years before this treaty expires. But it will not, I assure my colleague, be as an amendment. It will not be as a declaration which we cannot amend. It will not be as a condition to this treaty.

I thank my colleagues for their indulgence. I do not plan on speaking on

this issue very much longer except on each amendment at some point. I hope we can move as rapidly as possible because, again, the treaty is valuable, but it is dangerous if we do not pass this treaty.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I commend the chairman and ranking member for the work they have done. I can only agree wholeheartedly with the ranking member's comments about the problems this treaty has, although I also intend to vote for it.

I came to the Senate in 1989. At that time, Vermont was a leader in the effort to reduce nuclear weapons. I, therefore, became very interested in what we could do to reduce the threat of nuclear war.

In November 1990, I traveled with seven Members of Parliament from the United States, Great Britain, and the Soviet Union. We went to the capital of each of our countries. We worked as hard as we could to raise awareness of the dangers of nuclear war and discuss what could be done to prevent the spread of nuclear weapons.

In England, we spoke with people who were involved with nuclear issues. We had a very memorable time with the Speaker of the House of Lords and also the House of Commons and gained insight into the British perspective on these issues.

We then traveled to Moscow on the evening Soviet President Gorbachev gave his annual economic speech. We were amazed when, following the speech, he spent a great deal of time with us discussing the nuclear issue. He stated that the Soviet Union would certainly welcome a prohibition on nuclear testing. At the end of that meeting, there was one light moment. I brought him a pint of maple syrup. I offered it to him and said that if he were to give a teaspoonful of this to someone, why, they would immediately seek peace. He responded: Do you have a liter? I said: No, but I will get you one. It was an interesting time.

We flew from there to Washington and met with National Security Advisor Brent Scowcroft.

This is an issue I have followed for many years. I agree with my predecessor, the ranking member, that this treaty is far from perfect. We are engaged in a global struggle to confront the terrorist threat and to curtail the dangers posed by the prospect of nuclear materials in the hands of so-called rogue nations.

While I will vote for this treaty, I cannot help but feel that the Moscow Treaty represents a tragic waste of opportunity. Instead of capitalizing on the Russian desire to reach agreement on deep cuts in nuclear warheads and instead of seeking destruction of warheads to ensure that Russian nuclear materials never fall into the hands of America's enemies, the Bush administration's distaste for arms control agreements—indeed, for any sort of internationally binding agreement—has prevented it from seizing the opportunity to make the American people more secure.

There is nothing inherently wrong with the Moscow Treaty. It requires the United States and Russia to reduce their operationally deployed strategic nuclear weapons to between 1,700 to 2,200 warheads.

In a small way, it will make the United States, Russia, and the world a safer place—a very small way. It also is consistent with the previous administration's recommendations in the 1994 Nuclear Posture Review.

The shame of the Moscow Treaty is not in what it does, but in what it does not do. The treaty represents a lost opportunity. The Bush administration's scorn for arms control blinded it to a golden opportunity presented by negotiation of the Moscow Treaty to address bigger nonproliferation and counterterrorism concerns of the United States.

The Bush administration came into this negotiation only reluctantly. It repeatedly declared its opposition to the negotiation of a legally binding treaty text, asserting that less formal agreements or statements would suffice.

Press reports are replete with examples of conflict between the Pentagon, which opposed any limitations on its offensive nuclear weapons and wanted the flexibility to increase nuclear forces, and the State Department, which supported the negotiation of a legally binding agreement.

In the end, the State Department got its legally binding agreement, and the Pentagon got an agreement that is notable not only for its brevity, but also for its lack of lasting impact.

While the treaty calls for each side to ''reduce and limit'' its strategic nuclear warheads to within the 1,700 to 2,200 range, the United States made clear early in the negotiation that it would interpret this phrase to apply only to ''operationally deployed'' warheads. In other words, there is no obligation to destroy even a single warhead under the Moscow Treaty.

Warheads can be removed from their delivery vehicles and stored close by and still count as a ''reduction'' under the treaty. The United States has made clear that it plans to dismantle some warheads, put some in deep storage, and store others as spares.

The absence of any obligation to destroy warheads leads to one of the treaty's most striking anomalies. The deadline for the reduction of operationally deployed warheads to within the 1,700 to 2,200 range is December 31, 2012. Unless otherwise agreed, the treaty expires the very same day. So the reduction in operationally deployed warheads, which are the only reductions in strategic nuclear weapons required by the treaty, lasts for only 1 day.

On January 1, 2013, each party will be free from Moscow Treaty constraints on deployment of its strategic nuclear warheads. Moreover, if either the United States or Russia decides at any time in the interim that it wants to redeploy its warheads, it need only provide 90 days notice of withdrawal, and it will be free to do so.

On May 13, 2002, the President stated that he was ''pleased to announce that the United States and Russia have agreed to a treaty which will substantially reduce our nuclear arsenals to the agreed-upon range of 1,700 to 2,200 warheads. This treaty will liquidate the legacy of the cold war.''

This statement provides one more example of the President's rhetoric not matching reality. The treaty does not reduce our nuclear warhead arsenals to the range of the 1,700 to 2,200 warheads. Far from it. The White House refused to agree to such reductions. The treaty merely removes warheads from operational deployment. There is no reduction in nuclear arsenals. The legacy of the cold war lives on. It just sits a short distance from our missiles, bombers, and submarines rather than in a deployed posture.

Faced with the opportunity to lock in reductions of Russian strategic nuclear warheads, the President let ideology get in the way of meaningful agreement. Despite well-publicized concerns over Russia's ability to control its nuclear materials, he passed on an opportunity to assist global efforts against proliferation and terrorist attack by helping Russia deal with its nuclear stockpiles.

There are a host of additional steps that could have been taken in connection with the negotiation of the Moscow Treaty.

The President could have acted upon Russian desires to make true reductions in our offensive strategic nuclear weapons. He refused, despite the fact that destruction of Russian nuclear warheads would have eliminated their vulnerability to theft or diversion to terrorists.

The President could have agreed to Russian proposals for negotiation of a verification regime to track progress toward the 2012 limits on deployed warheads.

He refused, despite the confidence it would have instilled in the reduction process.

The President could have expanded the negotiation to cover tactical nuclear weapons.

He refused, despite the fact that thousands of such weapons exist in Russia and the United States without any sort of monitoring or control by an arms control regime.

Because of their small size and battlefield application, these weapons are extremely attractive to terrorist organizations, and relatively vulnerable.

The United States is currently unable to determine the precise number of Russian tactical nuclear weapons, and therefore unable to determine the nature of Russian control over such weapons and whether some might already have been lost or stolen.

The President also could have expanded the negotiation to cover the problem of multiple independently targeted warheads known as MIRVs.

Refusal to do so by the President leaves the American people vulnerable to the loss of several sites from a single missile launch.

Steps of this sort truly would have matched the President's rhetoric, and they would have made this world far safer for our children.

The opportunities presented by the Moscow Treaty are now lost. Other opportunities exist, however, to work with Russia and others around the world to fight the proliferation of nuclear weapons, material, and knowledge.

Such work is critical to our efforts to combat terrorism and to halt the spread of nuclear weapons and know-how to countries such as North Korea, Iran, and Iraq.

It is my sincere hope that in the future the President will reconsider the narrow approach taken toward the Moscow Treaty, and to other agreements such as the Comprehensive Nuclear Test Ban Treaty.

The fight against terrorism and the spread of nuclear weapons must be fought on several fronts.

Half-hearted efforts like the Moscow Treaty will not meet the needs of the American people and the world.

Mr. LUGAR. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. HAGEL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Madam President, I rise today to support the resolution of ratification of the Treaty on Strategic Offensive Reductions—or, as we call it, the Moscow Treaty—now before the Senate.

The Moscow Treaty represents a shared commitment by the United States and Russia to step back from the cold war policies of nuclear confrontation and enter into a new era of cooperation. This is to assure that our nuclear weapons no longer threaten either our peoples or our civilization.

It was the bold vision of President Ronald Reagan, 17 years ago, at the Gorbachev summit in Reykjavik that set in motion this effort to make dramatic reductions in the nuclear weapons arsenals of the United States and then the Soviet Union. President Reagan's vision, once considered by some a fantasy or a negotiating ploy, is becoming the standard by which we should measure our success in arms control.

The Moscow Treaty avoids the strategic gamesmanship and pitfalls of the SALT treaties, the ABM Treaty, and other negotiations of the cold war.

The simplicity of this treaty, only three pages in length, betrayed its historic significance for United States-Russian relations and for global security. Its strength is the power of its objective, to dramatically reduce American and Russian strategic weapons.

On November 13, 2001, President Bush announced that the United States would reduce its strategic nuclear arsenal by two-thirds, from approximately 6,000 nuclear weapons to between 1,700 and 2,200 operationally deployed strategic nuclear weapons by December 31, 2012. The President made this determination independent of what Russia would do, knowing that these reductions would be in the overall strategic interest of the United States.

President Putin determined that comparable reductions would also be in his country's own national security interest. On May 24, 2002, Bush and Putin agreed that their commitment to these reductions would take the form of a legally binding treaty.

The negotiations over the Moscow Treaty did not fall into the traps of previous arms control agreements negotiated with the Soviet Union during the cold war. That is as much a testimony to the new spirit of U.S.-Russian relations and the realities of today's threats as it is to the strength of the treaty. For example, it took the United States Senate 3 years to ratify the START II treaty. It took the Russian Duma 7 years for ratification. And both sides put conditions unacceptable to the other side on the respective ratification agreements. As a result, that agreement never went into force.

Instead of years of back and forth negotiations, with each side seeking a strategic advantage, the Moscow Treaty illustrates a turning point in America's relationship with Russia. It should provide an environment conducive to future arms control negotiations.

The Resolution of Ratification before us today introduces just two straightforward conditions that complement rather than complicate the treaty. First, the administration must report to the Senate annually on how the United States plans to reach the required reduction goals. While this resolution does not set a rigid timetable, these reports will allow the Senate to oversee the implementation of this treaty.

The second condition deals with the Cooperative Threat Reduction or Nunn-Lugar programs. Russia is committed to meeting these reductions, but the question remains if Russia has the resources to meet them. The Nunn-Lugar program has been successful in assisting the former states of the Soviet Union to help reduce their nuclear arsenals. The Resolution of Ratification rightly includes Nunn-Lugar programs as instrumental in achieving lasting and durable arms reduction.

The Moscow Treaty should not be considered as the final chapter in U.S.-Russian arms control, but it is an important and historic step forward. The United States and Russia must do more to prevent the proliferation of dual use technology and weapons of mass destruction to Iran, North Korea, and other countries. The Nunn-Lugar Cooperative Threat Reduction programs are crucial to our shared security interests in preventing the proliferation of weapons of mass destructions. For us to succeed in making a safer world, Washington and Moscow must be strategic partners, not strategic adversaries.

The Bush Administration, Chairman LUGAR, Senator BIDEN, and others who have framed the Treaty and the Resolution of Ratification deserve credit and thanks for their leadership and steady focus. I urge my colleagues to vote yes on the resolution without amendments, for the very reasons Senator BIDEN articulated just minutes ago, and to understand the broader context and significance of this treaty for U.S.-Russian relations and global security. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I will speak briefly today about the treaty we are considering. I spoke about it in brief yesterday and said while I would vote for it, I think it is not much better than nothing with respect to arms control. I will explain a little bit about where I think we are and where I hope we might go on some of these issues.

I note that Senator LUGAR is in the Chamber, the chairman of the committee. He might or might not know that yesterday when I spoke on these issues, I spoke about the general issue of threat reduction. I spoke about the Nunn-Lugar, or Lugar-Nunn, programs by which we were actually using taxpayer money in this country to dismantle delivery systems and weapons in the old Soviet Union and in Russia, the very success of those programs, and how much I thought those programs have contributed to moving in the right direction.

We may not agree. I do not know. I suspect there are some who think this Moscow Treaty actually advances our interests. I think it probably does not, but I do not think it hurts anything. It is an agreement by which the United States and Russia decide that a number of nuclear weapons will be taken off the active delivery systems and put in storage, but at the end of the time during which this transition takes place, in 2012, we will have exactly the same number of nuclear weapons in Russia and in the United States as we have today, at least as a result of this treaty.

This treaty does not propose that any nuclear weapons be disassembled or destroyed. It is simply putting nuclear

weapons in storage facilities somewhere. Are they at the ready? Are they in storage? I think it is not a great distinction, or at least it is a distinction without much of a difference.

While Senator LUGAR is present, I want to mention, as I did yesterday, I have here a piece of a strut from a wing of a Soviet bomber. Some of my colleagues have been given pieces of this as a commemorative of a very successful effort we have made and continue to make with respect to arms reductions. I stress the word ''reductions'' of both nuclear weapons and delivery systems.

I ask unanimous consent to use this old strut of a Soviet bomber to make the point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. The point is this: I hold in my hand a piece of metal that belonged to a bomber that presumably carried nuclear weapons that threatened every American. Did we shoot this bomber down? No, we did not. We sawed the wings off and destroyed the fuselage. How did we do that? Because we had a program called Nunn-Lugar, or Lugar-Nunn, that actually recognized it is a whole lot better to reach an agreement for arms reduction and then help pay for the destruction of a Soviet bomber or a Russian bomber, or the dismantlement of a missile or a submarine and the destruction of a warhead, than it is to exchange them or to try to shoot it down or to sink the submarine. So we appropriated taxpayers' money for this purpose. This is called peace.

This is another item I showed yesterday: Ground-up copper from a dismantled Soviet submarine that carried missiles with warheads aimed at American cities. This is called progress. This submarine does not exist any longer. Why? Because we had the foresight, particularly by Senator LUGAR and Senator Nunn, to say if we can have verifiable reductions in both delivery systems and nuclear weapons, and even help pay for that destruction, it is far better than having this continued standoff and actually having to fight at some point to try to knock down a Soviet bomber or destroy a Russian submarine. We are destroying them, all right, but peacefully, through a program that works.

Because I think that is very important to understand, I made the point yesterday that there are thousands and thousands of nuclear weapons in this world. The bulk of them are contained in arsenals by Russia and the United States. Many of them are called theater nuclear weapons, lower yield, smaller nuclear weapons. Then there are strategic nuclear weapons, the larger nuclear weapons. There are thousands of each, and over time, through arms control agreements, we have reached some understanding that we want to reduce the number of warheads, the number of delivery systems. We have moved back and forth about exactly how we do that. In some cases, there has been great emphasis on dismantling or limiting the number of delivery systems, the missiles themselves, or the bombers or the submarines. They are mere delivery systems for a weapon of mass destruction. In some cases, we paid great attention to that. In other cases, we have paid attention to the number of warheads themselves.

All of that is important. But I must say a treaty is not, at the end of the day, very important to us if it discontinues the effort to actually reduce the threat of war through dismantling weapons and delivery systems. We have made some progress in arms control, progress that I think is very important to the American people, but there is so much more to be done.

A rumor that someone had stolen one nuclear weapon some many months ago caused great concern in this country. The loss of one nuclear weapon to a terrorist could hold hostage an entire American city or, for that matter, much of a country, and there are thousands and thousands of these weapons.

It seems to me, if we wish to make this a safer world for our children and grandchildren, it is our job to aggressively stop the spread of nuclear weapons. God forbid other countries will become part of the nuclear club or that terrorists and terrorist organizations will acquire weapons of mass destruction, particularly nuclear weapons. We will stop the spread of nuclear weapons. And we must be the leader to do that. This country must be in the lead. It is our job. This responsibility falls on our shoulders at this time.

No. 2, in addition to stopping the spread, we must systematically, over a period of time, begin reducing the stockpiles. We must do that.

I have been disappointed for some long while on arms control issues. I don't believe we should disarm. I don't want our country to be weak. But I believe it is in our country's best interests to stop the spread of nuclear weapons and to have a mutually agreed upon reduction in the number of nuclear weapons.

In October of 1999, this Senate rejected the Comprehensive Nuclear Test-Ban Treaty. That was a terrible disappointment, certainly for me and for many around the world. We have not tested nuclear weapons for nearly a decade, yet we send a message to the rest of the world that we do not want a Comprehensive Nuclear Test-Ban Treaty, one that much of the world has already embraced. That was a terrible setback. Since that time, by the way, the reports by former Joint Chiefs of Staff Chairman Shalikashvili and the National Academy of Sciences have endorsed the Comprehensive Test-Ban Treaty and concluded that the treaty can be verified adequately, adversaries cannot significantly advance their nuclear weapons by cheating, and the United States can maintain confidence in its nuclear stockpile without testing. We made a horrible mistake in rejecting that treaty.

This country, in December 2001, announced it would unilaterally withdraw from the ABM Treaty with Russia. In my judgment, that was a significant mistake. That treaty was the center pole of nuclear arms reduction agreements, talks, and discussions.

In January 2002, the administration released its Nuclear Posture Review, and it said the United States needs to keep a very substantial nuclear force for 20 years. It set out what that nuclear force would be. But that Nuclear Posture Review blurred the lines between conventional and nuclear weapons, calling for a new generation of smaller, easy-to-use nuclear weapons, including smaller bunker buster weapons—the wrong thing for our country if we are going to be a leader in trying to say to another nation, let's never see a nuclear weapon used again anywhere in this world. And yet we are talking about perhaps designing new bunker buster nuclear weapons—moving exactly in the opposite direction, in my judgment.

The Nuclear Posture Review called for increasing our readiness to resume testing of nuclear weapons. I don't understand that.

All of these, together, represent movement in exactly the wrong direction for this country. We have very serious challenges in the world that require our leadership. India and Pakistan don't like each other. They are shooting at each other at the border, over Kashmir. They both have nuclear weapons. It was not too many months ago we had a very serious, very tense time with respect to India and Pakistan.

The message we send as the world leader, the strongest military power in the world, is critically important. Our message ought to be that we want to make this a safer world by beginning the long process of reducing the stockpile of nuclear weapons, not by putting them in warehouses someplace. We should be really reducing the number of nuclear weapons and making sure that our efforts as the United States of America are used to try to prevent the spread of nuclear weapons to any other country in the world, any other group in the world—that is our responsibility. It is what we must be about. If that mantle of world leadership is not borne by us, that leadership will not exist. I fear our future will not be a particularly good future with more and more countries becoming a part of the nuclear club.

As I indicated, the Moscow Treaty does not require a single missile silo, submarine, bomber, missile, or bomb, for that matter, to be eliminated. Compare this with previous treaties. The Intermediate-Range Nuclear Forces Treaty required the destruction of an entire class of ballistic missiles with ranges from 2,000 to 3,000 miles.

I had a picture in the Senate one day of a few acres of sunflowers. This few

acres of sunflowers were sunflowers planted on a piece of ground that used to house missiles in the Ukraine with a warhead aimed at the United States of America. It is not a warhead. It is not a missile. It is gone. It is destroyed. And now where a missile was once buried, there grows a field of sunflowers. What a wonderful thing.

The fact is, these agreements, these treaties that we have had, have worked. The treaties require irreversible action by requiring the destruction of delivery vehicles and warheads.

As I indicated, the Moscow Treaty does not require a single nuclear warhead to be destroyed. It limits the number of strategic nuclear weapons that each side can deploy, from 1,700 to 2,200.

Admittedly, previous arms treaties did not require the destruction of warheads, but at the Helsinki summit Presidents Clinton and Yeltsin agreed to a framework of SALT III negotiations for destruction of warheads. During treaty negotiations, Russia insisted that it require the elimination of nondeployed warheads, but our country resisted because we wanted to keep warheads removed from deployment in storage.

So now we have a Moscow Treaty that says we are going to keep these warheads in storage but we will count them as a reduction in warheads because they are no longer active with respect to the ability to put them on an airplane or submarine or on the tip of a missile. Frankly, it does not reduce the number of nuclear warheads in a significant way, and in my judgment, we ought to be doing that.

We have the START treaty. We have a whole series of efforts that have occurred over a long period of time that give us a roadmap on how to succeed with respect to what I think our obligation is in these areas. There is nothing particularly objectionable about this treaty, but it does not really provide any progress for us. One can hardly object to something that does not do anything, except that my wish would be that we would engage in a manner that would allow us to make some progress.

I intended to offer an amendment. I say to my colleague from Indiana that I am not going to offer an amendment. I have the amendment, but I will not offer it because my understanding is that the ranking member would be obligated to vote against it based on an agreement the chairman and the ranking member have reached. But let me read my amendment and state what I hope this country will do at some point.

My amendment would have added a section (7):

FURTHER NEGOTIATIONS.—The Senate urges the President to build upon the foundation of the Treaty by negotiating a new treaty with the Russian Federation that would enter into force upon the termination of the Treaty on Reduction and Limitation of Strategic Offensive Arms, with Annexes, Protocols, and Memorandum of Understanding, signed at Moscow on July 31, 1991 (START Treaty), and would require deep, verifiable, and irreversible reductions in the stockpiles of strategic and non-strategic nuclear warheads of the United States and the Russian Federation.

The purpose of this would be to say that future negotiations which should occur, and should occur now, should have as an objective to reduce the stockpile of nuclear weapons contained both in Russia and the United States. I do not propose disarmament. I do propose that in circumstances where each of us has thousands and thousands and thousands of nuclear weapons—perhaps as many as 25 to 30,000 between both countries, if you include both theater and strategic nuclear weapons—I do propose we find a way to reduce the stockpiles on both sides in an irreversible way.

Then, as I indicated previously, my fervent hope and prayer is that the leadership of this country will exert itself to try to do everything it can to be a world leader to stop the spread of nuclear weapons. This country's future depends on it.

Let me conclude by saying I have great admiration for Senator BIDEN, who has had a world of experience in these areas, and for Senator LUGAR. I have already spoken of Senator LUGAR. I will not go on at great length. But his work has been extraordinary. Senator BIDEN's work, as well, contributes a great deal to this Senate and to this country.

I know he believes, as I do, that we have seen many missed opportunities in recent years to don the mantle of world leadership that we must assume dealing with these areas. While I will vote for this treaty, I am confident that Senator LUGAR and Senator BIDEN understand, perhaps even if this administration does not, based on their past actions and based on the things they have supported previously, this is a step, even if a baby step, that must be followed by very large strides, vigorous, aggressive approaches to do what we know needs to be done: A real reduction in the stockpile of nuclear weapons and a major effort on behalf of America to stop the spread of nuclear weapons in the rest of the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 250

(Purpose: To provide an additional condition)

Mr. DURBIN. Madam President, the resolution of ratification we have before us on the treaty between the United States of America and the Russian Federation on Strategic Offensive Reductions, also known as the Moscow Treaty, is a step forward but in many ways it is a very modest step. The treaty is a three-page document signed by Presidents Bush and Putin on May 24, 2002, to reduce deployed strategic nuclear weapons to between 1,700 and 2,200 warheads by December 31, 2012.

The treaty actually calls for no warheads or delivery vehicles to be destroyed. They can simply be stored. There are no verification provisions, other than those still in effect through 2009 from the START treaty, and the reductions in deployed warheads have to occur by December 31, 2012, the very same day the treaty expires.

However, once the reductions in deployed warheads are met, it means a large number of warheads will not be ready to launch at a moment's notice. That is a positive thing, even if no warheads are dismantled and no delivery vehicles are destroyed.

When nonnuclear countries agreed to forgo nuclear weapons in the Nuclear Nonproliferation Treaty, an essential part of the grand bargain was that nuclear countries, like the United States and the Russian Federation, were to control and reduce their nuclear weapons. Because this treaty is an effort to control and reduce the number of deployed warheads, I will vote for the resolution of ratification.

From the Nuclear Non-Proliferation Treaty flowed all the various efforts of U.S.-Soviet nuclear arms control, including the SALT and START treaties. The Nuclear Non-Proliferation Treaty was renewed in 1995, but it required a lot of arm twisting by the United States because nonnuclear countries have accused the nuclear powers of not being serious about nuclear arms control and reduction. A major reason nonnuclear states agreed to renew the Nuclear Non-Proliferation Treaty is because the United States signed and agreed to pursue ratification of the Comprehensive Nuclear Test-Ban Treaty, which sadly, this body, the Senate, rejected on October 13, 1999.

The failure of the Senate to meet its obligation and ratify the Comprehensive Nuclear Test-Ban Treaty left us with little or no leverage to keep Asia from a spiraling arms race in India, Pakistan, China, and perhaps even other countries. Pakistan and India are in a tense nuclear standoff that came to the brink of nuclear war over Kashmir and easily could again. North Korea, we all know, already has nuclear weapons and is likely to build more. Libya, Iran, and Iraq, may be seeking to acquire or develop nuclear weapons.

For those who think nuclear arms control is just a quaint leftover of the cold war, let me say we are facing a major round of nuclear proliferation with destabilizing effects that we may have no way to stop.

Let me at this point pay special tribute to the Senator from Indiana, Mr. LUGAR. Several weeks ago I went to a breakfast at which Senator LUGAR spoke relative to the issue of nuclear proliferation. Since the days of Nunn-Lugar, with Senator SAM NUNN of Georgia, DICK LUGAR of Indiana has been a leader, a global leader, on the question of nuclear proliferation. I hope more Members of the Senate on both sides of the aisle will pay particular heed to his warnings about proliferation and about the need for the

United States and other countries seeking stability and peace in the world to be mindful of the danger of proliferation of nuclear weapons.

Some of the examples he gave us from his own life experience, visiting the former Soviet Union, were chilling—chilling because we are this close to the proliferation of weapons, weapons in the hands of countries that will not deal with them in a responsible way.

Having said that, though, I am still very concerned about the policies of this administration that could, in fact, further fray the fabric of the grand bargain struck with the Nuclear Non-Proliferation Treaty and actually create an incentive for current nonnuclear states to acquire nuclear weapons—exactly the opposite of what we want to see in the world of tomorrow. This country has to do more to deal with the crisis in North Korea, do more to secure fissile materials in other countries, and do more to secure a broad international coalition against proliferation.

I have cosponsored a resolution with Senator TOM DASCHLE, which will be introduced today, calling for a more vigorous nonproliferation policy.

I am particularly concerned this administration's policy of preemption, combined with a new policy of first use of nuclear weapons, is an incentive, an invitation to proliferation of weapons of mass destruction, especially nuclear weapons. I have introduced a resolution of my own on that subject today.

Let me elaborate with just a few points. Press reports about the December 31, 2001, Nuclear Posture Review indicated that the United States might use nuclear weapons to discourage adversaries from undertaking military programs or operations that could threaten U.S. interests; that nuclear weapons could be employed against targets able to withstand nonnuclear attack, and that setting requirements for nuclear strike capabilities, North Korea, Iraq, Iran, Syria, and Libya are among the countries that could be involved in so-called contingencies. The September 17, 2002, national security strategy of the United States stated:

> As a matter of common sense and self defense, America will act against such emerging threats before they are fully formed.

It went on to say:

> To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively.

The U.S. Under Secretary of State for Arms Control, John Bolton, recently announced this administration's abandonment of the so-called ''negative security assurance,'' the pledge to refrain from using nuclear weapons against nonnuclear weapons, which was outlined in 1978, restated in 1995, and in 2002 in the context of gaining the support of other nations for the nonproliferation treaty. Press reports indicate that in a classified document, National Security Directive 17, the President may have made explicit what had been usefully ambiguous before—a threat to use nuclear weapons in response to an attack with chemical or biological weapons. Making that threat explicit may mean that leaders of other countries that fear a United States attack will think they have to have nuclear weapons to deter the United States, leading to even more proliferation.

What we have here is an escalation of rhetoric, where we have moved beyond ''no first use of nuclear weapons,'' to the point where this administration is saying we can use nuclear weapons against those who do not have them. And now we have a new policy of preemption where the use of those weapons does not even require an imminent danger, imminent threat against the United States.

This rhetoric and this policy cannot help but escalate the situation, leading to more proliferation. That is why I think it is sad that this U.S. Congress has been so passive, while this President has sought to dramatically radicalize and change the foreign policy which has guided this Nation for decades.

The United States is currently engaged in the expansion of research and development of new types of nuclear weapons such as the so-called bunker busters, or small nuclear weapons intended to destroy underground facilities or buried chemical or biological weapons caches.

These policies and actions threaten to make nuclear weapons appear to be useful, legitimate, offensive first-strike weapons, rather than a force for deterrence, and therefore this policy undermines an essential tenet of nonproliferation.

The cumulative effect of the policies announced by President Bush is to redefine and broaden the concept of preemption, which has been understood to mean anticipatory self-defense in the face of imminent attack, and the right of every state to include preventive war without evidence of an imminent attack in which the United States may opt to use nuclear weapons against nonnuclear states.

We don't know where this dangerous policy may lead. But it is hard to imagine it will lead to a safer world. It is hard to imagine that a nonnuclear power can look at the new Bush foreign policy and say with any degree of confidence that forestalling the development of nuclear weapons is in their best interests in the long term. I am afraid the President has created an incentive for proliferation of nuclear weapons—exactly the opposite of what this world needs.

Turning back to the treaty before us today, I am going to offer an amendment, and a number of colleagues will as well. It is my hope we will be able to make constructive and responsible improvements to the Resolution of Ratification that will address some of the weaknesses.

When the Senate considered the Resolution of Ratification of the START treaty in 1992, it approved a condition that requires the President to seek a cooperative monitoring and verification arrangement in any future agreement.

I am offering an amendment to this Resolution of Ratification that requires the President to report to relevant Senate committees on how he is complying with that requirement.

The Strategic Offensive Reductions Treaty—also known as the Moscow Treaty—does not contain any verification measures other than those already required by the START treaty, which expires in 2009.

The President's position is that our new cooperative relationship with Russia means no verification is necessary. Certainly our relationship with the Russian Federation is quite different than it was during the dark and dreary days of the cold war. The preamble to the treaty makes reference to this new relationship saying the two parties desire ''. . . to establish a genuine partnership based on the principles of mutual security, cooperation, trust, openness, and predictability.''

I believe a series of cooperative measures, inspections, data sharing and other verification measures are appropriate even in a relationship based on trust, cooperation, openness, and predictability.

I am sorry to remind my colleagues on the Republican side of the aisle that it was their President, Ronald Reagan, who said, ''Trust but verify.'' He was negotiating a START treaty at the time with the Soviet Union. I think his words still apply. Verification builds trust.

As British Foreign Secretary, Lord Palmerston said in 1848—and it has become an often-quoted maxim in foreign affairs—''We have no eternal allies and we have no perpetual enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow.'' In this case, the interests of both countries are served by reducing deployed warheads, but interests can change with the circumstances.

President Bush has said several times—in fact, he said it in a conversation that I was a party to—that he has developed a relationship of trust with the Russian President, Vladimir Putin. In a joint press conference with the Russian President in June, 1991, President Bush said: ''I looked the man in the eye. I found him to be very straightforward and trustworthy. We had a very good dialogue. I was able to get a sense of his soul. . . . The Cold War said loud and clear that we're opponents and that we bring the peace through the ability for each of us to destroy each other. . . . Friends don't destroy each other.''

This may well be so, but the fact is that both countries still both have, at the push of a few buttons, the capability to destroy each other, and to destroy the world. There can be no more serious matter.

President Bush and President Putin may have the best of trusting relationships, but we cannot know what the future will bring or who will be President of either country over the life of this treaty, or what kind of relationship those Presidents may have.

Condition 8 of the resolution of ratification of the START treaty requires that in connection with any subsequent agreement reducing strategic nuclear weapons, the President shall seek appropriate monitoring measures. I want to read the entire condition, because I believe it is very important for my colleagues to hear what the Senate required in 1992:

(8) NUCLEAR STOCKPILE WEAPONS ARRANGEMENT.—In as much as the prospect of a loss of control of nuclear weapons or fissile material in the former Soviet Union could pose a serious threat to the United States and to international peace and security, in connection with any further agreement reducing strategic offensive arms, the President shall seek an appropriate arrangement, including the use of reciprocal inspections, data exchanges, and other cooperative measures, to monitor—

(A) the numbers of nuclear stockpile weapons on the territory of the parties to this Treaty; and

(B) the location and inventory of facilities on the territory of the parties to this treaty capable of producing significant quantities of fissile materials.

This condition, originally offered to the START Resolution of Ratification during committee consideration, was offered by the Senator from Delaware, Mr. BIDEN, who is in the Chamber today and has been a leader, as well as Senator LUGAR, in developing the kind of arms control which can make a safer world. Senator BIDEN offered an excellent condition that reflected deep concern about nuclear warheads and fissile material falling into the hands of terrorists and irresponsible states, and anticipated that future treaties would require cooperative measures to monitor and verify reductions in strategic weapons in a post-cold-war context.

In fact, measures to monitor what becomes of the thousands of warheads to be taken off of operational deployment is one of the most important steps the United States and the Russian Federation can take to be sure those weapons or fissile materials are secured.

The START treaty contains an extremely complex verification regime. Both countries collect most of the information to verify compliance through ''National Technical Means of Verification,'' in other words, satellites and remote sensing devices. START also allows intrusive measures, such as on-site inspections and exchanges of data.

But these measures under START apply to the retirement and destruction of nuclear weapons launchers and not the warheads themselves. START has a complex way of limiting nuclear forces—rather than counting warheads, it attributes a certain number of warheads to each kind of missile or bomber.

The treaty before us does not require the destruction of launchers, or warheads. There is simply no way to verify what may happen to the thousands of warheads that are to be taken out of operational deployment.

When Senator LUGAR came to our breakfast a few weeks ago, he told a story of visiting the submarine facility at Minsk—I am sure he can fill in the details—and seeing the long line of nuclear submarines that used to be part of the Soviet Navy. He raised a serious and important question about what would happen to the nuclear payload or the nuclear materials in those submarines. Will they be taken out to sea and scuttled, or dismantled and sold? It is a serious concern.

Think about the materials we are talking about. I have seen Senator BIDEN many times come to the floor with materials no longer than a saucer, and easily transported in terms of their size. Now we are talking about a treaty before us which does not include verification procedures so that we are not certain that the Russian Federation is actually dealing with these fissile materials and nuclear weapons in a fashion to guarantee that they won't be the subject of proliferation.

Doesn't it make sense for us to have a reciprocal obligation on the part of both the United States and the Russian Federation to make certain this treaty works? To say the President of the United States and the President of Russia have a trusting working relationship is a good thing for world peace. But who knows what tomorrow will bring? Who knows where we will be or where the Russian Federation will be? And who knows who the leaders will be?

It is important for us, if we are ratifying a resolution for a treaty that will affect the United States for 9 or 10 years, that we at least consider the possibilities that things may not end up as smoothly as we hoped. It is far better for us to build into this resolution a verification procedure to make sure both sides live up to the terms of the treaty. As President Reagan said, ''Trust but verify.''

I believe that it makes sense for new verification measures to be negotiated. A Bilateral Implementation Commission and the Consultative Group for Strategic Security have both been established in connection with the treaty, and verification and transparency measures may be discussed in these fora. Secretary of State Colin Powell said in his testimony before the Senate Foreign Relations Committee that the Administration will ''consider whether to pursue expanded transparency'' at meetings of the Consultative Group.

My amendment reminds the Executive Branch that it is already required to seek an arrangement on such issues by Condition 8 of the START treaty, and simply requires a report on what it has done to comply with the requirements of that condition.

I believe this change, although small, is important. It is a change that states to every Member of the Senate and to the American people we represent and to future generations that this is more than just words on paper. It is more than just a blink of an eye and a relationship.

There is a verification procedure to make sure that the nuclear weapons that are to be set aside and not menace the rest of the world are actually set aside, verification procedures which we can trust and the Russians can trust as well. That is not too much to ask. To do anything less is to perhaps jeopardize the good, positive relationship we have today, by leaving unsaid and unmet our obligation for verification.

Madam President, I send this amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 250.

Mr. DURBIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 2, add the following new condition:

(3) COMPLIANCE REPORT.—Not later than 60 days after the exchange of instruments of ratification of the Treaty, and annually thereafter on April 15, the President shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report on the compliance of the President with the requirements of condition (a)(8) of the resolution of ratification of the Treaty on Reduction and Limitation of Strategic Offensive Arms, with Annexes, Protocols, and Memorandum of Understanding, signed at Moscow on July 31, 1991 (START Treaty), which states that ''[in] as much as the prospect of a loss of control of nuclear weapons or fissile material in the former Soviet Union could pose a serious threat to the United States and to international peace and security, in connection with any further agreement reducing strategic offensive arms, the President shall seek an appropriate arrangement, including the use of reciprocal inspections, data exchanges, and other cooperative measures, to monitor (A) the numbers of nuclear stockpile weapons on the territory of the parties to [the START Treaty]; and (B) the location and inventory of facilities on the territory of the parties to [the START Treaty] capable of producing or processing significant quantities of fissile materials''.

Mr. DURBIN. Madam President, I have shared a copy of this amendment with Senator LUGAR, and I hope Senator BIDEN's staff has a copy as well. If not, we will provide it to them immediately.

At this point, I do not know if Senator LUGAR would like to respond to the filing of the amendment or to engage me in a conversation about the nature of the amendment. I would welcome that.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I thank the Senator for his very thoughtful and generous remarks about cooperative threat reduction and

the conversations we have enjoyed about that.

The Senator from Illinois has been a very strong supporter of nonproliferation in this country as we have worked with the Russians or we have tried to direct our own programs. It is always difficult to oppose an amendment of someone who has been so generous in mentioning cooperation we have had together.

I will oppose the amendment because I believe that, in fact, the Senator's objectives are being realized in many ways. Some are known to the Senator; some I would like to discuss presently.

But, first of all, I would say that in arguing in favor of the Moscow Treaty, Senator BIDEN and I have pointed out that the President had already made a determination that we were going to unilaterally destroy a good number of weapons. And the Russians, for their own reasons, had decided they wanted to do so.

This is why it is a very short and simple treaty without extensive verification protocols that have characterized other treaties. But it comes with the START I verification procedures that last through 2009. In our hearings, we have pointed out 2009 is short of 2012, which is the timetable for the total treaty to be consummated. But, at the same time, there is all of the strictness the Senator from Illinois has mentioned in previous treaties incorporated in this one.

The second point of verification is the Cooperative Threat Reduction Program, the Nunn-Lugar program. This has people from our country working with Russians on the ground in Russia. They are verifying precisely what they are doing.

I want to mention the extent of this reporting and verification by pointing to the CTR report which was just published for the year 2002. It has, on the front, so that all Senators will be able to see, the CTR logo, and says: ''Cooperative Threat Reduction annual report, Fiscal Year 2002.''

Now, page by page, the report goes through a description of cooperative threat reduction activities carried out in fiscal year 2000 in the nuclear, chemical, and biological areas, project by project and objective by objective. It discusses the 5-year plan for destruction or containment, security of each of these materials or weapons systems.

I mention this simply because that has been the objective of those of us who have tried to foster this Cooperative Threat Reduction Program; that in fact there be very close congressional scrutiny, dollar for dollar, area by area, all the way through.

Now, Senator BIDEN was prescient in his amendment that the Senator from Illinois has cited. But this clearly influenced the subsequent work under cooperative threat reduction, and does to this day.

The objectives that the Senator from Illinois has suggested that are especially important—and those were also mentioned by the distinguished Senator from North Dakota, Mr. DORGAN, early on—we are concerned about the tactical nuclear weapons. We have raised the question to Secretary Powell as to why this was not included. In essence, this is not a quote from the Secretary, but he said: It is a bridge too far. We raised this with the Russians. They are not prepared to come to agreement.

Now, other countries are deeply interested in the Russians coming to agreement, the G–8 countries that have come together in the so-called 10 plus 10 over 10 program, which means $10 billion for each of 10 years from the countries in the G–8 other than the United States, thus matching essentially what we are doing under cooperative threat reduction.

One of the objectives of the early meetings was clearly: What about the tactical weapons? These are very close to the Europeans. They are not long-range ballistic missiles. They are missiles on the continent in proximity to countries worried about their security.

So we have friends, in a multilateral way, who are helping to pursue this situation. I have some confidence—because Secretary Powell and Secretary Rumsfeld, in their testimony, indicated this is a high priority for them, they will continue to raise it with the Russians—we will make some headway. But we have not thus far.

I would just say to the distinguished Senator from Illinois, whether spurred by the Biden amendment years ago or various other activities, our activities as Members of the Senate and the House and on the ground in Russia have been vigorous.

I think the Senator cited perhaps some of my trips. But one recently, last August, was an attempt to go to the biomilitary plant at so-called Kirov 200. I sought to go there because it was identified as one of four bioweapons facilities of which we believe the Russians are simply still in denial. They are not prepared to work with us, even though at 14 other sites we do now have active programs.

Under the ISTC Program, the International Science and Technology Program, we are giving stipends to Russian scientists who now have left the weapons field and are working on HIV/AIDS or other ways to combat chemical weapons poisoning.

I would simply say that the Kirov 200 situation, for me, was almost a bridge too far, even though I thought arrangements were available for our U.S. Air Force plane to convey me and the party out there. At the airport that morning, we were informed we would not be able to land. We could fly, but we were not going to land. So we began to work our way through the bureaucracy of the foreign office of Russia, unwilling to take no for an answer. In due course, we did fly the aircraft, and we did land in Kirov.

Having gotten there, I would say that I did not see everything that I wished to see. But what I did find were retired Russians, retired at 55, who had come, from the plant that was denied to me, down to our activities and who, in essence, told me everything they were doing at either.

So I think we have a pretty good insight. I just mention this because even as we legislatively will some things to happen, they do not happen without persistence and sort of doggedly pursuing those objectives. I am just testifying that is occurring, sometimes to the discomfort of our relationship with the Russians. But in this particular case, I reported all my activities to the defense minister, Mr. Ivanov, and at least mildly admonished him we ought to be beyond this. The whole idea of the Moscow Treaty should be a new relationship, a new trust between President Putin and our President Bush. And all of us on both sides need to be fostering that.

So my response to the Senator from Illinois is to say that I think we are on the same side in pursuing congressional oversight, more vigor with regard to everything we are now doing, although I think it is fully reported annually by the Department of Energy, quite apart from CTR, and with goals to go where we have not been; namely, tactical weapons and future destruction.

Mr. DURBIN. Will the Senator yield for a question?

Mr. LUGAR. Yes, I yield for a question.

Mr. DURBIN. Am I right in my premise that this SORT treaty, this Moscow Treaty, does not destroy the nuclear warheads but simply calls for them to be stored, set aside, not in a deployable mode, so they, frankly, are at least within the grasp of either country to be reactivated? Is that accurate?

Mr. LUGAR. The Senator is correct. The treaty does not call for the destruction of warheads.

Mr. DURBIN. May I also ask the Senator from Indiana, since we live in the 21st century in fear that fissile material and nuclear weapons will be transferred either openly or covertly to countries that will misuse them, why would the Senator from Indiana believe that a verification procedure which spotlights the location and number of these weapons in both countries would not be in the best interest of reducing the likelihood of proliferation?

Mr. LUGAR. I would not disagree, in response to the distinguished Senator, that it would be ideal for this verification to occur, but I would simply respond that although we have been negotiating such verification for some time, the Russians have not agreed to do this. In other words, one reason that is not in this treaty is the negotiators have found resistance. I have found resistance. Other people have found resistance.

These things open up tediously, sort of one by one. For example, after great pressure, I was taken on a small Russian aircraft to a plant where in fact

there are warheads taken off of missiles, and they are stored almost like bodies in coffins side by side, lined there. Each one had a history of when the warhead was built, when it was taken off of the missile that would have conveyed it, when it was put there in storage, and some estimate as to its efficacy; that is, how long you can anticipate this warhead would actually be explosive. Much more ominous down the trail and something that I am pursuing is some sort of prediction as to when it might become dangerous.

The difficulty—and the Senator knows this—is these warheads are unstable sometimes in terms of their chemical composition. They may not lie there in peace forever, like a sporting goods store situation of inert matter. That is the problem for the Russians. At some point they will have to move the warheads. So they already have a railway station secured. They have procedures because they know that at some stage they will have to take the warhead out and disassemble it, a very dangerous predicament and one that then leads to problems of storage of the fissile material. So in another Nunn-Lugar program we are trying to work on the storage facilities for thousands of these warheads because, for the moment, there is not adequate storage for the fissile material itself after it is taken as plutonium or highly enriched uranium from the warhead. The Russians would like to pursue that.

So we asked the logical question the Senator has asked: Why can't we work together to verify where all these warheads are, what status they are in. We are interested in that. We don't want an accidental nuclear event in Russia. And the Russians have been resistant, in the fullness of time perhaps less resistant, but I would just say, once again, that was probably a bridge too far for this treaty. Our negotiators found the Russians not to be prepared.

Mr. DURBIN. Will the Senator yield for another question?

Mr. LUGAR. Of course.

Mr. DURBIN. Is the Senator aware that the amendment I offer calls on the President to report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate not later than 60 days after the exchange of instruments of ratification, annually thereafter on April 15, on the progress toward verification, and we go on to say that we are seeking the same type of verification as in the START treaty, the numbers of nuclear stockpiled weapons in the territories of the parties and the location and inventory of the facilities?

I ask the Senator from Indiana, if we have not reached the stage we want to in verification, is it not of some value for this Senate to say as part of the agreement that we are going to ask this President, and any subsequent President affected by the treaty, to continue to report on an annual basis to the Senate the progress that is being made to reach verification?

I would think that would have real value to spur this administration on to keep negotiating, keep trying to reach agreement with the Russians. And absent that, I am afraid there would be a disincentive for that sort of thing to occur. I ask the Senator if that is a reasonable interpretation of my own amendment.

Mr. LUGAR. I think it is a reasonable interpretation, I respond to the Senator, but I would also say that in fact the President, at least through the Department of Defense, in the CDR report I have in front of me, is doing that each year. These are annual reports. Likewise the Secretary of Energy is making his own reports on the nuclear accountability issues. So it appears to me that generally the objective of the Senator is being fulfilled in current reports.

What is not being fulfilled and what the Senator and I both wish was being fulfilled is more progress toward the destruction of the warheads themselves and more openness on the part of the Russians to what their problem clearly is and one in which we could help if we had more access. Before I got into this particular vault I am talking about, General Habiger, who has been mentioned in this debate, was the last American ever to get there. This is not openness or transparency. So even though property threat reduction brings a lot of Russians and Americans together, there are areas in which we have not come together, these bioweapons plants, the four of them, for example, and some of these vaults that we have not seen.

Every year we are reporting, however, our deficiencies or our inability to reach agreement. It is a checkoff list with the Russians.

I say, on behalf of those who are in the field with the CDR, they work at it all the time, working with their compatriots out in the hinterland of Russia to see what might open up this year.

Mr. DURBIN. If I might say, by way of a question in closing so that we don't prolong this debate, I hope the Senator from Indiana will view this amendment as instructive and as friendly and not as adversarial to his goals. I took heart from the statements he made in meetings I attended about the need for all of us to be more sensitized to the problem of proliferation of nuclear weapons. What I am seeking to do is to get an ongoing relationship with the President and the Senate so that we can continue to monitor the progress being made and the incentive is there for this President and any other President in the Russian Federation or the United States to continue to move forward on this track so we can reduce the likelihood of proliferation of nuclear weapons.

I ask my colleague from Indiana if he will consider this amendment I am offering in that light, as a positive, supportive effort, a friendly effort to add something that may be of value to the conversation.

Mr. LUGAR. In response to the Senator, of course, I see it in that light. My only argument with the Senator today is that I do not believe it ought to be part of the treaty. I believe clearly the fulfillment is already occurring in terms of the reporting, with considerable vigor, but at the same time, as I have admitted to the Senator, the objectives we both seek by getting the President to indicate energy and so forth also requires the Russians to reciprocate. This particular treaty still has to be ratified by the Duma. We have our own debate here, but they will have theirs, too.

Senator BIDEN and I in our opening comments indicated we would resist amendments simply because we believe we have at least in a very general way covered territory of what we ought to be doing in terms of oversight but in ways that would not in any way be objectionable to the Russians who have to ratify the treaty and thus at least preserve the spirit in which Presidents Putin and Bush negotiated, admittedly, a limited treaty. I would ask the Senator at least for his thoughts as to whether he would be sufficiently assured by the vigor of my response to withdraw the amendment, understanding that we will continue to pursue these reports.

I will try to make available to Senators the CDR message if they do not have it which really reviews in detail the gist of what the Senator is requesting. But beyond that, it is a pledge of vigor in proceeding where we have not been, these bridges too far that I have described that are very important.

Mr. DURBIN. May I ask the Senator from Indiana a followup question? Would the Senator be willing to join with me and perhaps Senator BIDEN in a letter to the administration relative to this verification procedure, asking that the administration move forward to at least establish on an informal basis a reporting with the Senate so we can see the progress being made? I would consider that to be a step in this direction which moves us to the same goal.

Mr. LUGAR. I respond to the Senator that I would be pleased to work with the Senator on a letter which affirms, once again, the importance of the debate we are having, the interest of Members who are signing the letter, but others literally in the subject matter of what we are talking about who would acknowledge perhaps that some reports are being made and maybe ask for more vigor in being more complete. I would like to work with the Senator in that project.

Mr. DURBIN. I ask my colleague from Delaware, since I am taking his language from the START treaty and have venerated it, deified it, given it all of the credence any Senator could ask, whether he would be kind enough to join me.

Mr. BIDEN. The answer is yes. I think what the Senator is attempting

to do is very important. Let me explain to the Senator my perspective, and to state the obvious—I may very well be wrong about this. But let me tell my colleague why I honestly think what Senator LUGAR and I came up with is, quite frankly, more likely to get at what we need.

Condition 8 that has been referred to in the START treaty was a very new and important idea when we enacted it 10 years ago. It led the Clinton administration to use the Nunn-Lugar program to achieve a measure of transparency into the Russian fissile stockpiles in the mid-1990s.

In recent years, the United States has helped Russia to conduct a census of its civilian fissile material, but I doubt that either side is now prepared to allow access to the weapons stockpiles that are not on the civilian side of this equation.

It would be my expectation that a report called for on the activities pursuant to condition 8 to the START treaty resolution of ratification would only tell us there are no negotiations toward a bilateral agreement, even though there are useful efforts underway on the Nunn-Lugar related programs.

We already have a condition to the resolution before us that requires the Nunn-Lugar report; in other words, progress on Nunn-Lugar initiatives. We are required to have a report. While I will join the Senator in a letter, and I agree with what the Senator is trying to do, I honestly—not out of pride of authorship of what we came up with, but I honestly believe that what we did as a condition on the Nunn-Lugar programs on this treaty is, quite frankly, more effective than going the route of the condition 8 requirements in the START treaty. I hope I made that clear.

Again, there is no disagreement I have with the Senator from Illinois. The bottom line is that what he has pointed out is, in my view, a real deficiency in this treaty overall. His legitimate attempt to take condition 8 of START and use it as a vehicle to stand in for the absence of a verification requirement in this treaty is useful.

I honestly think, though, I say to Senator DURBIN, the way we did it in the resolution is a more effective way of accomplishing what the Senator is trying to do than through condition 8 of the START treaty.

I will conclude by saying, as I said in a necessarily lengthy statement laying out my interests, concerns, and the assets and deficiencies of this treaty when the chairman brought it to the floor, the treaty, as former Senator Sam Nunn said, in an overall context, can either be moderately helpful or it can be mischievous. I am paraphrasing.

The absence of a verification provision worries me not so much because I think we are going to be put in jeopardy if they do not do what they are supposed to do, but because it is going to allow a future administration or Members of the Senate to do what they did when we had a verbal agreement on tactical nuclear weapons in the first Bush administration.

It is going to allow some of our friends on the right, who are not going to like it when things are not going so smoothly with Russia, to say: See, these guys are liars. These guys do not keep their agreements. These guys are not doing what they said because we cannot verify that they have done what they said they were going to do.

It leads to distrust because there is always, as my friend from Illinois knows, whether in the House or the Senate—and he has been here a long time—there is always a group in this body that trusts no agreement, none whatsoever, no arms control agreement, no matter how loosely structured.

As Senator Helms, my good friend and the predecessor of the Presiding Officer, used to say: There is never a war we have lost or a treaty we have won. So it is axiomatic on the part of some, in the very conservative elements of our party, but clearly in the Republican Party, who say all treaties are bad ideas, they are just bad ideas.

Absent verification provisions, we allow for misunderstanding to creep in over the next 10 years to what is basically a good-faith agreement until December 31, 2012, the drop-dead date when we know what has happened.

I wish to make one other point because I think it will affect other legitimate points of view and amendments that are brought to the floor that I would be inclined to support.

I remind everyone who may be listening—and I know my colleagues on the floor fully understand this—the President started off with a flat assertion that this would not be a treaty, the Moscow agreement. As a matter of fact, the day on which we had the police memorial service on The Mall—and I am part of that process—I was up on the stage, and the President, who has a great sense of humor and is really an engaging guy, walked up on the stage, grabbed my arm, and said: You owe me one, Joe.

I looked at him joking and said: How is that, Mr. President?

He said: You got your treaty.

He was kidding about my owing him one. But the generic point was well taken. He never wanted this to be a treaty in the first place. The Senator from Indiana—I will not say the Senator from Indiana—the Senator from Delaware was vocal, vociferous privately and publicly with the President personally and on this floor that it had to be a treaty.

The backdrop to all of this is, in terms of additional conditions that may or may not be added to this resolution, that if push comes to shove, I am convinced this President would not be disappointed if we did not vote for this. Let me restate that—he would be disappointed if we did not vote for it. But I am worried that, if certain amendments were added that he did not like, I do not think he would have any trouble saying, I would rather not have it as a treaty, and I will keep the verbal agreement, the executive agreement with Mr. Putin, rather than have it as a treaty and have to accept these conditions.

It is very important this stay as a treaty as—flawed is the wrong word—but as incomplete as it happens to be. The Senator—I am not being solicitous—points out a deep and serious deficiency in this treaty, and I think the mechanism he chose to try to remedy it is, quite frankly, sound; but the remedy we chose to deal with the deficiency I think is a more likely way to achieve what we are seeking than condition 8 of the START treaty.

Having said all of that, I will be happy to join the Senator in a letter, as strong as he would like to make the letter. I have already sent a few missives down to the President on my views on some of these issues, for what they are worth. I would be happy to join the Senator and sign with him a letter along the lines he has been talking about.

Mr. DURBIN. I thank the Senator from Delaware.

Madam President, because I am convinced of the genuineness and commitment of both the Senator from Indiana and the Senator from Delaware to the issue of nonproliferation, of transparency in our agreement with any nation when it comes to nuclear weapons, I am going to defer to their judgment. But I will also add, were I to send a letter by myself, I am not sure what it might mean, but if they will join me in this correspondence to the administration, I am certain it will carry more weight and be a reminder that we are mindful of the need for real verification, to make certain these nuclear weapons do not end up in the wrong hands and, in fact, they are set aside so they will not be a threat to any other nation.

AMENDMENT NO. 250, WITHDRAWN

For that reason, with the assurance of Senator LUGAR, as well as Senator BIDEN, I ask unanimous consent to withdraw the amendment I filed.

The PRESIDING OFFICER. The Senator has the right to withdraw the amendment, and the amendment is withdrawn.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. WARNER. Madam President, I ask unanimous consent that the Senator from Virginia be allowed to proceed as in morning business for such period of time as he may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WARNER are printed in today's RECORD under ''Morning Business.'')

Mr. LIEBERMAN. Madam President, if I may paraphrase Winston Churchill, the ''only thing worse than this treaty would be not having this treaty at all.'' So I rise this afternoon in support of this treaty—a good but ultimately insufficient treaty—and in support of my colleagues' amendments to it.

I rise also to lend my voice to a related resolution that I drafted with the minority leader and several of my colleagues, which enunciates the beginnings of a coherent non-proliferation strategy.

A little over one decade ago we awoke to the sound of freedom. The Berlin Wall had fallen; brothers and sisters who had been kept forcibly apart were able, once more, to take up the rights which are enshrined in our own Declaration of Independence, rights which we all too often take for granted. The Soviet empire was no more. It was the beginning of a new era. The threat of nuclear war, at least between two great superpowers, had lifted. It soon became clear that the newest threat to our security, the increased chance of proliferation wrought by the fall of the Soviet empire, was perhaps an even greater challenge. The sword had slipped from the giant's hand. We knew then and we know now, that we had no choice but to take action and prevent those who would do us harm by picking the sword up again.

We in the Congress and our President acted with resolve. We moved to strengthen international institutions and systems designed to prevent the spread of nuclear, biological, and chemical weapons. And we were successful. The nuclear capable states of the former Soviet Union, one by one, renounced the use and possession of nuclear weapons and returned them to Russia. We had a few setbacks along the way, but overall we have managed to contain proliferation. But now I fear that this President has lost his way, and is undoing the good progress of previous administrations.

The fact is, the events of September 11, 2001 should be a rallying cry for non-proliferation—we can imagine all too well the results if those who masterminded the attacks on the World Trade Center and the Pentagon, had access to weapons of mass destruction. Yet since then, the Bush administration has unwisely led our Nation and the international community down a meandering path of policy choices with only one clear outcome: the increase of proliferation of weapons of mass destruction. In doing so, their choices have raised more questions instead of settling them.

Why has the administration failed to engage North Korea, the prime proliferator of missiles and the greatest threat for immediate nuclear proliferation in direct talks?

Why has the President chosen to ignore the advice of General John Shalikashvili, the former Chairman of the Joint Chiefs of Staff, and instead actively pursued new uses for, and types of, nuclear weapons, when such action will erode the nuclear firebreak?

Why has the administration failed to meet the Baker-Cutler funding benchmarks for nonproliferation and arms control programs?

Why has the administration failed to fully invest in the Nunn-Lugar program?

Where is the long-term strategy to diplomatically engage proliferating nations?

I agree with President Bush that ''history will judge harshly those who saw this coming and failed to act.'' However, at a time when the international community needs leadership and guidance on this issue, the administration is virtually silent. Too often on arms control and non-proliferation, America has become a colossus that oscillates between pouting and shouting. In contrast, the resolution that my colleagues and I are introducing today gives this nation a strong, clear, and constructive voice on these critical issues. Here and now we call for the administration to rebuild the broad international coalition against proliferation that it has permitted, and even encouraged, to deteriorate over the past two years. We call for the full funding of all Federal non-proliferation and arms control programs to the levels prescribed by the Baker-Cutler report. We call for engaging North Korea in direct and full talks. We call for the expansion of the Cooperative Threat Reduction program to include additional states willing to engage in bilateral efforts to reduce their nuclear stockpiles. These would be acts of strength by the strongest nation in the history of the world and they would be acts of wisdom because these acts would increase our security.

The bottom line: the United States must start now to rebuild the international community's consensus on stopping proliferation in its tracks. The measures outlined in our resolution will begin to do just that.

On September 11, 2001, in a single fell blow, we learned just how vulnerable we may be if we do not act with foresight and urgency on containing weapons of mass destruction. Today, I believe everyone in this chamber understands that we cannot speak of homeland security without addressing non-proliferation.

We cannot debate national security without including arms control. This Nation requires a coherent non-proliferation policy, and a clear voice on the matter in the international community. This resolution is the start.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, I rise in support of the ratification of the Moscow Treaty. I would like to begin by thanking Senators LUGAR and BIDEN who have done very good work in this instance, and I believe they are going to provide very dynamic leadership on the Foreign Relations Committee in the Senate. These Senators have been working in this area for many years.

I remember specifically the work of the distinguished Senator from Indiana after the dissolution of the Soviet Union as we had Russia and other countries grow out of that. We had the Nunn-Lugar legislation. Quite frankly, some of us were a little leery of how that program would work and whether it was the right thing to do. But looking back on that time in history, there is no question but that was a really dynamic leadership effort that needed to be made. It has been helpful. It has not been perfect, of course. But I think it has helped our relationship with Russia, and I think it has also helped to control the escape of and the misuse of some of those nuclear weapon capabilities. I want to recognize Senator LUGAR's past leadership in this area and thank him for working to get this Moscow Treaty ready.

I had occasion last year to go to Russia, to St. Petersburg and Moscow, with a delegation of Senators to meet with foreign policy leaders, defense leaders, members from the Duma, members of the Russian Federation Council, and the chairman of the foreign relations committee there in the Federation Council. It was very interesting and very informative.

I believe there is a growing opportunity for the United States to have a close working relationship with Russia. It has to be one of truths. It has to be one that covers the entire sphere of not only trusting each other when it comes to arms and treaties but also the economy and trade, foreign policy, and international issues such as the one we are working on right now.

We see today that the vote of Russia and what they do at the Security Council is going to be important as we prepare to deal with the situation in Iraq. So we need to have a growing relationship and friendship with this important country.

I think this treaty is a good one. It is one that certainly is timely.

Russia's transformation to a market economy still faces a number of challenges, obviously—its interests, and the people there. Also, the United States is working to get through problems. There are still problems we are trying to deal with. But our strategic relationship with Russia provides a strong foundation of cooperation on issues regarding nuclear weapons reduction and security.

Since 1992, the United States has spent over $3 billion in Cooperative Threat Reduction Program funds to help Russia dismantle nuclear weapons and ensure the security of its nuclear weapons, weapons-grade fissile material, and other weapons of mass destruction. This has been a very big program. It is one that I think has been very important.

In 1998, both countries agreed to share information upon detection of a ballistic missile launch anywhere in the world and to reduce each country's stockpile of weapons-grade plutonium. As Russia and the United States continue to reduce the stockpile, we must stay vigilant in our collective effort to ensure that weapons-grade nuclear materials stay under lock and key. It is easy to say, but it is not a question of just turning the lock. There has to be an ongoing effort, there has to be verification, and there has to be a lot of cooperation.

The Moscow treaty builds upon the spirit of cooperation between the United States and Russia. It serves the interests of both nations and both peoples, and makes the world a safer place. The treaty is just one element of a growing relationship between the U.S. and Russia that includes several new opportunities for cooperation including trade, energy, and economic development.

There has been some concern, noted by the opposition, that the Moscow Treaty is not substantive enough—that it is only 3 pages long—much shorter than the several hundred pages of the START treaty—that is doesn't deal with actual warheads. First, we need to recognize that the Moscow Treaty does not take the place of the START treaty. The Moscow Treaty is separate from the START treaty—the START treaty is still in full force and effect.

Perhaps more important than laying out comprehensive steps of reduction, these important three pages of the Moscow Treaty fundamentally approach Russia as a friend, not as an adversary. I believe that is a relationship that is going to grow and become more and more important in the years ahead.

This is a historic achievement. With the document we will be voting on in the next day or two, both the United States and Russia will be making a commitment to reduce the quantity of operationally deployed warheads. Undeniably, it is in the best interests of both of our countries to destroy as many warheads as possible. Both sides continue to be challenged by warhead destruction in any given year because it is a very complex process. It is not a matter of just using a bulldozer.

However, we must also not allow the complexity of the process to prevent us from our commitment to progress in this warhead reduction. Although not intended to be a detailed roadmap to accomplish that reduction, the Moscow Treaty lays out a high-level framework that is both workable and flexible.

I am greatly encouraged by the level of developing cooperation between the United States and Russia that is embodied in this treaty. I am encouraged by the prospect now of having exchanges between leaders of the Duma and the Federation Council and leaders of the House and the Senate. I think it is important that we have those ongoing relationships. Under the leadership of Senator LUGAR and Senator BIDEN, I believe we will see that continue to develop.

By bringing forth the ratification of this treaty, I think it makes good sense for our Nation. It is important for the future security of the world, and I think it will help our friendship grow so that we will have not an adversary, as we had for so many years, but a friend in Russia.

I wanted to come to the floor and endorse this treaty. I think it is an important signal of our feelings, and it is very important in a timely sense also.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, if it is agreeable to the managers of the bill, I would be pleased to address my remarks at this time to the important matter before the Senate—the treaty between the United States of America and the Russian Federation on Strategic Offensive Reduction.

I rise to express my strong support for the ratification of the treaty between the United States of America and the Russian Federation on Strategic Offensive Reduction, more commonly known as the Moscow Treaty.

In my career as a public servant, I have had a number of opportunities to work with the former Soviet Union and with the current Russian Federation.

I remember when I was Secretary of the Navy, I was asked to negotiate over a period of 2 years an executive agreement in the years 1970 to 1972 between the United States of America and the then Soviet Union. That executive agreement applied to the naval forces which I was privileged to be associated with at that time as Secretary of the Navy. It was a very important executive agreement. It is still in existence today. It has been used as a pattern for other nations for executive agreements between themselves and other countries. It related to how we operated our ships and aircraft in the international waters of the world—operated them in a manner that provided the maximum degree of safety to the vessel or aircraft itself and, of course, the crews who operated those platforms.

We had experienced, in those days, incidents not unlike the one provoked by North Korea just days ago—where one of our aircraft, on a routine mission, in international airspace, operating under clearances given by the international programmers of airspace—when we were broached upon, as we use that phrase in the military, by North Korea's fighter aircraft. And, indeed, that broaching took the form of actions that bordered on literally hostile actions, in my judgement. But time will settle out that event.

I just mention this chapter of history as showing my support for the people of Russia and the need for our two nations to work together. I still look upon Russia as a superpower, certainly in the arena of diplomacy, the arena of world economics. Indeed, I have profound respect for their armed forces today, even though those armed forces are somewhat significantly reduced in size.

But against that background, I remember so well a number of trips to the Soviet Union. I remember so well one with the distinguished senior Senator from West Virginia, ROBERT BYRD, when he put together a delegation. We were the first Members of Congress to meet with then-President Gorbachev. It was a momentous day for all of us, having traveled those long distances, and then waiting in the anteroom, and then being escorted in to see that figure of history, a very important figure of history for Russia. I have a lot of respect for President Gorbachev.

I remember another codel with Robert Dole, again, leader of the Senate, as was Senator BYRD. We went to visit President Yeltsin. At this time, I note, the delegations to visit President Putin certainly have not been large in number. I am not so sure that is for the good of our two nations. I would hope that Russia might look more favorably upon delegations of the Senate to come and visit with their leaders of today.

In any event, I commend Senators LUGAR and BIDEN for their leadership on this issue. It has been exemplary. I think this Chamber can take rightful pride in each of those individuals—one the former chairman and one, of course, Senator LUGAR, the current chairman of the distinguished Foreign Relations Committee.

I certainly commend President Bush for his vision and leadership in negotiating this treaty and establishing a new strategic relationship with Russia. It is truly remarkable how our country's relations with Russia have evolved and deepened over the past 2 years. Groundbreaking U.S.-Russian cooperation on the war on terrorism has been critical to our success in Afghanistan and more broadly in our efforts to root out terrorism and deny terrorist groups safe havens and access to money and destructive weapons.

On the subject of destructive weapons, the Nunn-Lugar program, I have had a strong interest and support for that program from the very day it was conceived. I remember Sam Nunn had a small breakfast and sat down. What an audacious concept. We stood there in awe, as the cold war was very much in evidence in those days. But I think the bold foresight of Senators Nunn and LUGAR to envision this program has reaped a great deal of mutual benefit for both nations and, indeed, perhaps the world at large, to further limit the proliferation of not only weapons of mass destruction but the materials by which those weapons are made.

Equally remarkable is President Bush's success in implementing the bold vision he set forth in his May 2001 speech at the National Defense University for a new strategic relationship with Russia. President Bush decided to move the U.S.-Russian relationship beyond the cold war not incrementally,

but in a bold leap. He articulated the controversial view that it would be possible to pursue a vigorous missile defense program to respond to the growing proliferation threats of the post-cold-war world, and at the same time dramatically reduce the numbers of nuclear weapons in the U.S. and Russian arsenals.

President Bush set out to break the cold war linkage of restraints on missile defense to reductions in nuclear weapons, and he did so in a way that caused no harm to U.S. relations with Russia. No harm—I would say, indeed, it brought about a strengthening of those relations. This was a remarkable accomplishment. There were many who thought it could not be done. But their fears proved unfounded. President Bush deserves our respect and admiration for leading the world out of its conventional cold war mindset.

Russian President Putin shares in that credit. He, too, exercised admirable vision and leadership when he understood and convinced doubters in his own country that U.S.-Russian relations had evolved to the point where the ABM Treaty was no longer critical to Russian security. Because the United States and Russia no longer threatened each other, the ABM Treaty was no longer a necessary linchpin in regulating what used to be a U.S.-Soviet nuclear arms race.

If I might just digress a minute, again, in my years of 1969 to 1974, being the Navy Secretary, and my early years in the Senate, when we experienced so many periods of tension with regard to the cold war, there was always an underlying theme, which I will describe as follows. I remember President Reagan used to say, ''Trust but verify''—a very magical phrase that captured the relationship between our two nations. But there was the feeling among the professional military who were responsible for these awesome weapons of mass destruction—and I think a feeling among those who negotiated, as did I in a very minor way on the Incidents at Sea Agreement—that the bottom line, the Russian Government, the Russian military were always there with a measure of prudent, sensible realization of these weapons, and there was an inherent responsibility in all of those individuals, both in Russia and in the United States, and their respective Governments, to exercise that judgment.

The concept of deterrence, the concept of massive retaliation always had the underlying theme that individuals had sound judgment as to any final decision, and that sound judgment would be exercised.

That is not true today with Saddam Hussein. We cannot find, in the history of his dictatorship over Iraq, that level of sensible responsibility as it relates to weapons of mass destruction. And I question whether that exists with North Korea today. I am not here to use any words of condemnation, but underlying the cold war period was that sense of some security with regard to the ability of those in possession of weapons to use good judgment, even in the times of the greatest of tensions.

President Bush's readiness to negotiate a legally binding nuclear reduction agreement was instrumental in persuading President Putin that the new strategic framework proposed by President Bush—including withdrawal from the ABM Treaty—would serve Russian interests. The result: A treaty that was negotiated in record-breaking time, will bring sweeping mutual reductions in deployed nuclear weapons, and will enhance the national security of both the United States and Russia.

The Moscow Treaty is unlike any treaty we have had before. It is the first arms control treaty to embrace the new Russian-U.S. strategic relationship. In negotiating this treaty, both sides consciously rejected the cold war mentality of distrust and hostility that previously had required lengthy negotiations and extensive legal structures and detailed verification regimes to ensure that both sides would abide by their treaty obligations.

This simplicity puts the focus where it belongs—quickly achieving deep, equitable reductions in deployed nuclear weapons.

This breakthrough treaty will reduce the United States and Russian nuclear arsenals from their present levels of approximately 6,000 strategic warheads to between 1,700 and 2,200 operationally deployed strategic nuclear warheads over the next decade. These reductions, which amount to about two-thirds of the warheads in the Russian-United States arsenals, are the most dramatic in the history of arms control agreements. Such reductions are clearly in our national security interest. Russia is no longer perceived, or in actuality, an enemy. Our strategic arsenals, swollen by the cold war, no longer need to be sustained at such high levels.

Another great strength of this treaty is the flexibility it accords our leaders to meet the uncertainties both in the international security environment and in the technological status of our nuclear stockpile. September 11 was a vivid reminder that we are vulnerable to attack in ways we never imagined. It is critical to our national security that our leaders retain the maximum flexibility to respond to emerging threats and changes on the world scene.

The witnesses who testified before the Senate Armed Services Committee during our committee's review of the military implications of the treaty unanimously supported ratification of the Moscow Treaty. General Myers, Chairman of the Joint Chiefs of Staff, stated:

> The members of the Joint Chiefs of Staff and I all support the Moscow Treaty. We believe it provides for the long-term security interests of our nation. We also believe that it preserves our flexibility in an uncertain strategic environment.

Throughout its history, the Senate Armed Services Committee has played a critical role in assessing the national security impact and military implications of arms control agreements negotiated by the executive branch. Based on the hearings conducted by the Armed Services Committee and subsequent analysis, I am convinced that the Moscow Treaty advances the national security interests of the United States and deserves the Senate's unqualified support.

I strongly urge my colleagues to join all of us in giving our advice and consent favorably to ratification of the Moscow Treaty.

Mr. President, I see others about to address the Senate. I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Virginia, the senior Senator, who is a gentleman. The old saying is: ''He is a gentleman and a scholar.'' I have known him and worked with him, confided in him and with him for these many years. I cherish his friendship.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. BYRD. Yes.

Mr. WARNER. I thank him for those remarks. I made reference to my distinguished colleague from West Virginia moments ago in addressing this treaty and recalled when he led a delegation of which I was privileged to be a member——

Mr. BYRD. Yes.

Mr. WARNER [continuing]. To meet with President Gorbachev. I remember that day as if it were yesterday.

Mr. BYRD. Yes.

Mr. WARNER. And President Gorbachev said, we have this amount of time. And you very graciously, as the leader of the delegation—Senator Thurmond was with us as well——

Mr. BYRD. Yes.

Mr. WARNER. Anyway, it was a brilliant dissertation between yourself and at that time President Gorbachev, and it was a historic meeting. I said on the floor moments ago, I only wish we could do more of that with President Putin because I felt those delegations—I went on two delegations to the Soviet Union with the distinguished senior Senator from West Virginia.

Mr. BYRD. The Senator is correct, yes.

Mr. WARNER. They were very meaningful and helpful.

Mr. BYRD. Yes. I believe on that occasion former Senator Sam Nunn was with us.

Mr. WARNER. Yes. The Senator from Rhode Island, Mr. Pell.

Mr. BYRD. Yes. And Senator Mitchell.

Mr. WARNER. Senator Mitchell, Senator SARBANES.

Mr. BYRD. Yes. It was a fine delegation.

Mr. WARNER. Yes, it was, but it was under your leadership. You were the first Member of Congress to go and meet with President Gorbachev.

Mr. BYRD. That was the first Senate delegation to go and meet with him, yes, it was.

Mr. WARNER. I thank my colleague.

Mr. BYRD. I thank the Senator for remembering that occasion.

NORTH KOREA

Mr. BYRD. Mr. President, while the United States continues its relentless march to war against Iraq, a crisis that is potentially far more perilous is rapidly unfolding halfway around the world on the Korean peninsula.

While Saddam Hussein hunkers down in Baghdad, under the thumb of the United Nations weapons inspectors, and is being forced to begin destroying some of his most prized missiles, North Korean leader Kim Jong II is aggressively taunting the United States and moving full speed ahead toward restarting his nuclear weapons program.

Over this past weekend, the North Koreans took their defiance and contempt of the United States to a new level when four North Korean fighter jets intercepted an unarmed U.S. reconnaissance plane in international airspace over the Sea of Japan.

According to news reports, the armed North Korean jets came within 50 feet of the American plane and shadowed it for 22 minutes. Initial reports suggest that one of the North Korean pilots may have engaged his radar in preparation for firing an air-to-air missile moments before the U.S. aircraft aborted its mission and returned safely to its home base in Kadena, Japan.

This latest action by North Korea is a marked escalation of the recent tensions between the U.S. and North Korea. Not since it shot down an unarmed U.S. surveillance plane in 1969—more than 30 years ago—has North Korea engaged in aerial confrontation with the United States. That last weekend's provocation by the North Koreans ended without incident is a relief, but it is not a reprieve from concern. Given the hostility and volatility of the North Korean government, this latest confrontation could easily have ended in disaster—a major disaster.

The White House branded North Korea's actions as ''reckless behavior,'' and the Pentagon promptly dispatched 24 long-range bombers to Guam in a move that was seen by some as a not-so-subtle warning to Kim Jong Il that a military response to North Korea's increasing bellicosity is not outside the realm of possibility. But the President has given no indication that he is willing to address the North Korean crisis head-on by engaging North Korea diplomatically in an effort to defuse tensions. To the contrary, the White House appears determined to continue to proceed in its no-talk policy toward North Korea while it focuses the vast weight of its energy and resources on preparing for war with Iraq.

I am increasingly alarmed that this administration's military and diplomatic fixation on waging war with Iraq is serving to overshadow and possibly eclipse the mounting crisis in North Korea.

Benign neglect is a dangerous policy to apply to North Korea. The nation is isolated and its people are starving. Kim Jong Il is hostile, erratic, and desperate for cash. He is also armed and heavily fortified. In open testimony before the Senate Armed Services Committee on February 12, CIA Director George Tenet noted that ''the United States faces a near-term ICBM (Intercontinental Ballistic Missile) threat from North Korea.''

According to intelligence estimates, North Korea already has one to two nuclear weapons and continues to develop the Taepo Dong-2 missile, which has the capability of reaching the United States with a nuclear-weapon-sized payload.

Recent relations between the United States and North Korea were far from good to begin with, but since October, when it was revealed that North Korea had a secret program to produce enriched uranium, the resulting nuclear standoff between the United States and North Korea has gone from bad to worse.

In a period of just over 4 months, North Korea has moved swiftly and boldly to take the necessary steps to resume the production of nuclear weapons. Following the disclosure of its covert nuclear program in October, North Korea in December expelled U.N. inspectors from its nuclear facilities at Yongbyon, removed U.N. monitoring seals and cameras, and announced it would reactivate the facilities. In January, a month before last, North Korea announced its withdrawal from the Nuclear Non-Proliferation Treaty and appeared to begin moving its stockpile of nuclear fuel rods out of storage. Just last week, on February 27, American intelligence sources concluded that North Korea had, indeed, reactivated the Yongbyon facility. The significance of starting up the reactor is that it could, over time, provide a continuing source of plutonium for nuclear weapons, which North Korea could either stockpile or sell. If North Korea also begins reprocessing its nuclear fuel rods, some U.S. intelligence officials have concluded that it could begin producing bomb-grade plutonium within a matter of weeks, a process that could yield enough plutonium for five to seven bombs by this summer.

In other words, North Korea could begin grinding out the essential components of nuclear weapons for its own use or for sale to the highest bidder even before the first volley is fired in Iraq.

At the same time that it has been ratcheting up its nuclear activity, North Korea has also been ratcheting up its rhetoric and its military saber-rattling. In February, a North Korean MiG fighter jet crossed briefly into South Korean air space for the first time in 20 years. On February 24, North Korea rattled the inauguration of South Korea's new president by test firing an anti-ship missile into the sea. Earlier, North Korea threatened to abandon the armistice that ended the Korean War.

And just this week on March 3, Kim Jong Il warned that nuclear war could break out if the U.S. Government attacks North Korea's nuclear program, while President Bush explicitly raised the possibility of using military force against North Korea as a ''last resort'' if diplomacy fails.

The pattern of increasingly hostile words and actions on the part of North Korea, coupled with the moves it appears to be taking toward building up its nuclear arsenal, make North Korea one of the most volatile and dangerous spots on Earth today. The Bush Administration's inattention to the problem and its unwillingness to engage in diplomacy with North Korea are only exacerbating an already precarious situation.

Under the circumstances, North Korea presents a far more imminent threat than Iraq to the security of the United States. It is ironic that the President has made it clear that a military response to the crisis in North Korea would be considered only as a last resort at the same time that he is massing forces in the Persian Gulf region to launch a preemptive military strike, possibly within a matter of weeks, if not days, against a much less potent threat to the United States.

What is particularly frustrating is that the North Korean crisis might never have reached the proportions it has reached had President Bush taken a different tack with respect to North Korea when he came into office. Today's nuclear standoff with North Korea is, in many ways, a replay of a similar crisis in 1994, when North Korea pushed the envelope on its nuclear program, nearly precipitating a military response from the United States. That crisis was resolved when the Clinton administration reached an agreement, called the Agreed Framework, to freeze nuclear production in North Korea in exchange for fuel oil and light-water reactors. Unfortunately, when he took office, President Bush put relations with North Korea in the deep freeze by heaping suspicion and disdain on the North Korean Government, branding Kim Jong Il a ''pygmy'' and including North Korea in the ''axis of evil.''

Even so, the current crisis might well have been defused weeks ago, before the two leaders started exchanging threats of war, had the United States agreed to talk directly to North Korea, as our allies in the region have been pleading with us to do. Instead, the administration drew a line in the sand, insisting that the United States would not be blackmailed into one-on-one talks with North Korea. As a result, the Americans and the North Koreans have been talking past one another for the past 4 months, and the progress has been all downhill.

It has come to the point that, whether by accident or design, the situation in North Korea could rapidly disintegrate from a war of words and gestures

into a war of bullets and bombs perhaps even nuclear bombs. As it stands now, North Korea has shown no evidence that it is willing to back down from its nuclear confrontation with the United States, and the United States has shown no evidence that it is willing to talk to North Korea.

Stalemate and neglect are not effective tools of foreign policy. Wishful thinking is not an effective tool of foreign policy. The situation in North Korea is a crisis, and the United States must come to grips with it. We must open a dialog with North Korea.

To ignore the peril presented by North Korea and its nuclear ambitions is to court—to court—disaster.

Frankly, the longer the United States procrastinates and lets North Korea set the agenda, the harder it will be to deal with the situation diplomatically. If we do not act quickly, we may inadvertently paint ourselves into a corner as we have done in Iraq.

It does not have to be that way. It is time for both nations to stop posturing and start talking. It is time for the United States to deal with the crisis in North Korea. I call on this administration to address the growing peril in North Korea, and to fully engage in a diplomatic effort to resolve what may well become an international problem of epic proportions. We can, and must, be firm, but we cannot remain aloof. We can, and should, insist that other nations with a stake in the future of North Korea be at the table, including China, Russia, Japan, and South Korea, but we can wait no longer for those nations to take the lead.

The situation in North Korea is serious, but it is not yet desperate. The window to initiate diplomacy is not yet closed, but the longer the United States drags its feet, the narrower that window becomes. It is time to start talking to the North Koreans. If the United States takes the lead, our allies in the region are likely to follow. But it is the United States that must lead the way. The only practical way to solve the crisis in North Korea, before it erupts into chaos, is with patience, skill, and determination at the negotiating table. Let us begin now, before it is too late.

Mr. WARNER. Mr. President, will the Senator entertain a question?

Mr. BYRD. I would be glad to.

Mr. WARNER. Mr. President, over my years in the Senate, I have had the privilege many times of working with my distinguished colleague. I have listened very carefully to his remarks. The bulk of the facts the Senator relates with regard to how North Korea has violated the framework agreement are accurate. I think his assessment of the potential threat as to how they address the serious issue of nuclear weapons is correct. But I respectfully say I believe this administration has been pursuing a policy—now my colleague may differ—of diplomacy to resolve this dispute. Our President recognizes the seriousness.

As the Senator said, the bombers were promptly dispatched. My understanding was that that mission of those bombers had been in the planning for some time and, coincidentally, they were dispatched right after the eve of this very serious incident by which the hostile aircraft broached our unarmed aircraft. The Senator was dead accurate in his characterization of that serious incident.

The point I wish to make is that I think our President has taken the correct tack at this time in diplomacy of saying that there may come a time in the future on bilateral talks, but at this juncture of this serious situation—and our President fully recognizes and I think shares with my colleague from West Virginia the seriousness of it—the multilateral approach; namely, that the talk should initiate with a table at which Russia, of course, South Korea, Japan, and China are there to participate. That is the way this administration quite appropriately desires to approach it.

I believe Secretary of State Powell, in his most recent trip to the region not more than 10 days to 2 weeks ago, clearly said that out of that multilateral approach could evolve the situation whereby bilateral talks between the United States and North Korea would follow.

Am I correct in my summary of how the President is approaching this? The Senator may have differences with it, but at least for the basis of our debate, I think I am correct.

Mr. BYRD. I think the Senator is correct.

Mr. WARNER. We have clearly not had the opportunity to fully exhaust the potential of a preliminary round of multinational talks such that these nations believe they are a partner with the United States. Now we may take the lead, but so often our Nation is criticized that we are the ones who are saying, you do this, you do that. Rather, in this crisis I think our country is saying that we want to work together with other nations as partners in addressing this issue before the possibility of bilateral talks.

Mr. BYRD. I think that is a good approach normally, if there is time and if there is an indication that those other nations are going to take that lead. That is one thing. But there is not time here. There is not the indication that the other nations are going to take that lead.

So I say we need to act more expeditiously. I do not think we can afford to wait. This is a crisis that is developing, and developing quickly, and there is every indication that if we continue to wait, Kim Jong Il is going to take additional steps. I understand he may have one or two nuclear weapons now, and he is fast getting into the position where he will be able to manufacture a weapon a month and then faster. We do not have the luxury of waiting until these other nations finally decide they want to do this.

They seem to be reluctant. They have not shown any dexterity in moving in to fill this void up to now. I do not think we can afford to wait.

In addition, yes, other nations have thought we acted too fast. They have done that in spades with respect to Iraq. We have gone hellbent into that. It seems the President has been determined to conduct a war in Iraq from the beginning almost. I would say as far back as last August he had said there were no plans. That was the response we received from all of the people in the administration. I know once before the Appropriations Committee, Secretary of State Powell, in answer to a question from me, said: There are no plans.

The administration and its functionaries must have taken Members of Congress as fools when the administration continued to at that time say, well, the President has no plans. Anybody could see through that. He may not have plans today. He may not have plans on his desk. That was the way it was phrased: He had no plans on his desk. It takes only a fool not to be able to see through that. Perhaps he does not have plans on his desk, but there may be plans on some other desk somewhere that the President knows about, or the President may have plans tomorrow. He is certainly not immune to knowledge of what is going on all around him. After all, he is the Commander in Chief, the top man in the executive branch; he is supposed to know what is going on.

So while we were fed that line by the administration, they simply did not want to tell us, and they do not want to tell us yet. It is not that they do not want to—that other nations have a right to complain about this administration moving pellmell into a situation without waiting for other nations, without wanting to wait for other nations. Not only that, but the administration treats us the same way in the Congress.

The administration does not want to tell us what the cost of this was is going to be. They say it is such a range of costs that it might change from day to day. They do not want to say what it will be now because, who knows, maybe tomorrow it will be different. Well, of course, that is to be expected. But I think the administration ought to be honest, upfront, and sincere with the elected representatives of the people in Congress, and say now this is the situation today, Senator, as we see it. We think the range would be somewhere between A and B. That can change, Senator. Mr. Chairman, that can change. It can change tomorrow. But as of today, we cannot pinpoint the exact figure, but it would appear that it would be thus and so.

Now, if the war lasts longer than a week, lasts longer than 2 weeks, 10 days, or 3 weeks, it may cost more. Of course, if we win the war, and win it quickly, it will not cost much. But then there is the problem of the morning after. What is the cost going to be

in helping to rebuild Iraq? If we are going to be responsible for destroying a great portion of it, we have a responsibility of rebuilding it. So, the cost would be, the estimate would be, thus and so.

If the administration would come before the Appropriations Committee and address it like that—we understand that any administration would find it difficult; it would be impossible to be sure as to what the costs would be. But if an administration sits down with the congressional committee and says: Here is the situation; we estimate it to be thus and so, because we think the war will not last more than a week, or 10 days, or 2 weeks, or a month; if it lasts longer, it will cost more—that is being honest and forthright with the elected representatives of the people. We understand that. We were not born yesterday. But to just say, ''We do not know exactly,'' what does the administration think that Members of Congress are fools?

We can see all that. We know all that. We know these things are difficult to figure. But when we also know that estimates are being kicked around internally, we believe we are entitled, on behalf of the people, to know what those estimates are.

Mr. WARNER. Mr. President, if I might reply to my good friend, first on the issue of diplomacy, I do believe our President has worked very hard with the Prime Minister of Great Britain and other heads of state of the nations willing to proceed on the diplomatic route.

Today we had a speech by the Secretary of State. I don't know if my colleagues had an opportunity to read it as I have. But it clearly says we are on a diplomatic course. No decision has been made to go to war.

What little success the diplomats have had to date—and I frankly think Resolution 1441 was a high water mark of this whole controversy—is owing to the fact that this President had the courage to put our troops in forward deployments to back up the words of the diplomats and to send a signal to Saddam Hussein and others that we have a commitment to those men and women there, 200,000 of them in that gulf region. I visited the gulf region just 10 days ago. They are there as a symbol of our commitment to make diplomacy work.

I recognize the Senator and I were with Secretary of Defense Rumsfeld the other day when my good friend from West Virginia expressed, as he has done now, the question of cost estimates. But the Secretary of Defense said he believed at this time he could not give those projections which would enable, I think, some very serious and finite parameters to be established.

My good friend might recall President Clinton one time—I am not here to be political—said about the Balkans, we would be home in a year. I think the Senator remembers that because he and I collaborated on an amendment to require the other nations to come forward with their allocation of commitments to try to resolve some of the problems in that region. I remember we stood toe to toe on that.

Here we are, 8 years later, and we are still in the Balkans with a not insignificant force. We have learned from that and experienced the need to exercise caution with regard to the questions of casualities. How well I remember being in the Chamber in 1991. The projected casualities we might encounter in the gulf war of 1991 were in the estimates of the tens of thousands. We thank the dear Lord that it did not in any way near approach that amount, although this country did lose brave soldiers, sailors, and airmen, and experienced the wounding of others in that very important conflict.

The better side of prudence is being demonstrated here by the President and his Secretaries who are entrusted with dealing with the Congress. I printed in the RECORD earlier today, I say to my good friend, a recitation of a number of hearings the Senate Armed Services Committee, on which I am privileged to say my colleague serves, has conducted. That committee has, in connection with our debates on Iraq, held a number of briefings and so forth, in which I have been in attendance, on Iraq. Those are helpful for the public in its important debate now, and which I respect the diversity of opinions on Iraq, as I respect the opinions of my colleague from West Virginia. Nevertheless, I think our Senate has taken a constructive role in addressing that conflict.

Mr. BYRD. I thank the Senator.

I think we are going pretty far from the subject that I started out with today. I was talking about the fact that we are not paying the kind of attention that should be paid; we are not addressing the real crisis that is developing. We are not looking at the real peril that is facing this country; namely, North Korea. We are being distracted by the developing situation in Iraq, which, as far as I am concerned, does not present to this country anything near the peril, the danger, that we are confronted with in North Korea.

Now, if the distinguished Senator wishes to engage in a freewheeling debate on the whole subject matter, fine, we will do that another day. But I am addressing the Senate on the need to open talks with North Korea and not wait for other nations to take the lead. We need to take the lead ourselves. Every day counts. Every 24 hours counts. We are already seeing this situation advance quickly. As long as Kim Jong II thinks we are going to be distracted with Iraq, he is likely to take further advantage of the situation. That is the issue I am addressing.

Mr. WARNER. I thank the Senator. We did start out on that subject, but I wished to make reference to other statements the Senator made.

Going back to the question of Korea, I think your concerns are important, as are mine. I simply say I think our President is vigorously trying to exercise leadership in world diplomacy with a multilateral approach with the nations of Russia, China, South Korea, and Japan at this point, and I have not read into any of the statements or actions that would say that after the full exploration of the multilateral approach, hopefully participation by those nations as partners, possibly of a bilateral approach—indeed, the Secretary of State has made an offering of food to care for the tragic situation of starvation in the North Korean section of that peninsula.

Mr. BYRD. Mr. President, I say to my friend, I hope the President will display this kind of desire to engage in multilateralism more so than he has with respect to Iraq. This is the approach I favored all along. We should get the United Nations, be sure the opinion of the world is with us in Iraq, and get the support of the United Nations.

I have a resolution I introduced some time ago urging we seek a second U.N. resolution. If the President would show more interest in a multilateral approach to that situation, I think many would feel better. I recall his saying, I think, to the U.N.: If you don't do it, we will. If the U.N. doesn't do this, I will—or we will.

That kind of an attitude has not been to my liking, certainly, and it does not show enough concern about the opinions of other nations, and it does not show enough desire to have the support of other nations. But this President is determined, apparently, to have a war in Iraq, even if he has to go it alone. That has been the impression I received thus far. When he says to the U.N., if you don't do it, I will, or we will, that doesn't show any great inclination to wait on other nations to help join in that situation.

Mr. WARNER. Mr. President, I think we have somewhat debated this issue. I believe the President has made strong overtures to the international community. Certainly he gave a brilliant speech in the U.N. He is working within the Security Council. Our Secretary of State has addressed the issue today. Perhaps at another time I would very much be privileged to engage our distinguished colleague in a debate on the subject. I thank my colleague.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I think we certainly need, more and more, to debate this situation. I think we have not debated it enough. I believe that where we missed the boat was last fall when this Congress turned over to the executive branch the authority, by a resolution, virtually to declare war. I think Congress was wrong in doing that. I voted against that resolution. I am proud of the vote that I cast at that point. I think Congress, under the Constitution, has the authority to declare war, and I think we shift aside our responsibilities and our duties under the Constitution when we attempt to shift

that duty and that responsibility and that authority over to the Chief Executive of the United States.

The time for debate was then. It is not too late to debate it now. I have been attempting to say a good bit from time to time on this matter, and will continue to, if we have much time left. But time is closing in on us, as I see our troops massing on the borders of Iraq. I don't think there is much time left to debate. But as long as that time remains, I think we ought to utilize it. We ought to tell the American people what their losses are going to be and what the cost is going to be to them.

That is where I think the administration is falling down. It ought to let the American people know the sacrifices they may have to make and what the cost of this war is going to be in terms of money, in terms of lives, and in terms of our image before the world—what it is costing us there. So let's have more from the administration on this point.

Mr. WARNER. Mr. President, if I might say in conclusion, to those who perhaps take views different from I and others, I hope that debate would include very clearly a message to Saddam Hussein in Iraq that his lack of cooperation is the root cause of the problem today.

So I thank my colleague for this opportunity. Maybe at a later date we can get into a further discussion.

Mr. BYRD. Of course there are always two sides to issues. Preston County, WV, is a great buckwheat flour-growing area. They make fine buckwheat cakes. But there is no buckwheat cake so thin that there isn't two sides to it. So there are two sides.

It seems to me we have just been recreant in not telling the American people what this is going to cost. I have a feeling they don't know very much, from the lack of debate that has gone forward, and from the fact that this administration has not come forward with the facts and told the American people what the cost may be to them. And all the while we see our young men and women being shipped out, as the National Guard goes forth and takes our schoolteachers, our policemen, our firefighters, our lawyers, and our churchmen. It takes people from all walks of life and sends them overseas—for how long we do not know. We don't know. They don't know what the duration will be. They don't know whether they will come back, of course. And I am sure their salaries are suffering when they go over as National Guardsmen.

The people are entitled to know more than this administration has been willing to tell them. So I hope the Senator will join me in urging the administration to come forward with the facts and tell the American people, his constituents and mine, what they may have to pay.

Mr. WARNER. Mr. President, I share those concerns. My State has likewise contributed many reservists and guardsmen. As a matter of fact, I have been working with colleagues today on a question relating to that.

Were it not for the sacrifices of those individuals, the reservists, active duty, and many others, we would not be where we are trying to solve this problem diplomatically.

Say what you want about this President, I have seen a measure of courage in this fine man that I have not seen in others. He has all along said: The buck stops on my desk, and I accept responsibility.

I thank my colleague.

Mr. BYRD. I say to the Senator, courage is fine. I don't think the President lacks courage. Nobody is questioning his courage. But whether he has wisdom or vision or exercises good judgment along with courage is something else. I am simply saying this administration has not been forthright with the American people and has not been forthright with the Congress. We can debate that as long as you wish, but that is the way I see it. At some future time, if the distinguished Senator wishes to debate that, I will be happy to accommodate him.

Mr. WARNER. Mr. President, I accept that challenge. I thank my friend.

Mr. BYRD. I thank the Senator.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Alexander). Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I acknowledge my friend, the chairman of the Foreign Relations Committee, Senator LUGAR, who is in the Chamber.

Today the Senate is engaged in an important and historic debate on the Moscow Treaty. President Bush and President Putin signed the Moscow Treaty on May 24, 2002, to limit strategic offensive nuclear weapons. Unlike arms control treaties of the past, this treaty does not include definitions of terms, counting rules, elimination procedures, or monitoring and verification provisions—all conditions considered in the past as essential to an effective agreement. As President Reagan once said, ''trust but verify.''

The administration believes that the lack of these features is an asset and indicative of a new age in American-Russian relations. In the words of President Bush, it is time that the United States ''complete the work of changing our relationship from one based on nuclear balance of terror to one based on common responsibilities and common interests.''

The treaty reflects American and Russian intent to reduce strategic nuclear warheads to between 1,700 to 2,200 by December 31, 2012. Each party is free to define for itself its ''strategic nuclear warheads'' and to determine how to reduce them. The treaty does not provide for the destruction of warheads or delivery systems. Nor does it place any restrictions on either party's force structure over the next ten years. Both sides can keep warheads for testing, spare parts, and possible redeployment.

The administration plans to meet treaty requirements by moving an undefined number of warheads to a reserved force, some to storage, and dismantling others. The Russians will make similar force structure changes. Russia intends to continue to reduce weapon platforms and warhead levels and dismantle weapon systems with U.S. assistance under the important Nunn-Lugar Cooperative Threat Reduction Program.

However, the Moscow Treaty leaves many issues unresolved and many questions unanswered. For example, Article I of the treaty specifies that each party shall ''determine for itself the composition and structure of its strategic offensive arms.''

The United States has defined this to be ''operationally deployed strategic nuclear warheads,'' and has defined operationally deployed to mean ''reentry vehicles on intercontinental ballistic missiles in their launchers, reentry vehicles on submarine-launched ballistic missiles in their launchers onboard submarines, and nuclear armaments loaded on heavy bombers or stored in weapons storage areas of heavy bomber bases.''

Congress will have to wait to see how many warheads are destroyed and stored. Likewise, we will have to wait to see how Russia defines ''strategic offensive arms.'' Russia may move to redeploy multiple independently-targetable reentry vehicles, or MIRVs.

Article II of the treaty states that the Strategic Arms Reduction Treaty, START, will remain in force. During the signing of the Joint Declaration, Presidents Bush and Putin stated that the provisions of START ''will provide the foundation for providing confidence, transparency, and predictability in further strategic offensive reductions.''

But START expires in 2009. If START is not extended, we do not know how the parties will provide confidence and transparency between 2009 and 2012.

Article III of the treaty establishes a Bilateral Implementation Commission but does not establish guidelines, procedures, or even responsibilities of the Commission. We do not know if the Commission will focus on monitoring and verification of agreed reductions.

When President Bush signed the Moscow Treaty nearly a year ago, he assured the American people that he would continue to work on a separate political declaration that would create a strategic framework for the United States and Russia.

This document was to be broader in scope and would address other security and arms control issues aside from strategic reduction, including non-proliferation, counter-proliferation, anti-terrorism, and missile defenses. We have yet to receive that document.

We need a better vision and a better strategy of how to make America safer and more secure from attack with weapons of mass destruction.

I fear that the President is moving us toward a world of greater insecurity besieged by fears of nuclear weapons proliferation. Today's Washington Post indicates that the administration is willing to accept a North Korea with nuclear weapons. This is astounding, and, if true, threatens stability in northeast Asia. In addition, the administration has sought funding for new battlefield nuclear weapons that are more ''useable.''

Until now, U.S. non-proliferation policy has been based on reducing the number of nuclear weapons states, controlling the spread of nuclear weapons technology, and eliminating nuclear weapons. We need to prevent the spread of weapons of mass destruction and establish with the rest of the world a system that deters both countries and terrorist groups from gaining access to these dangerous technologies.

The resolution intended to be introduced by Senator DASCHLE and others, which I am proud to cosponsor, lays out the type of comprehensive non-proliferation policy that we need to make the world a safer place for future generations. I urge my colleagues to support it, and I urge the administration to adopt its recommendations.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I rise today to address the Senate on the treaty being considered for ratification, the Moscow Treaty. I want to praise the hard work of our chairman, Senator LUGAR, and the ranking member, Senator BIDEN, and their staffs, for the diligent efforts on this treaty. Their hard work on this treaty will ultimately enhance U.S. security.

This treaty describes what both the United States and Russia hope to do in a new era, and that is to reduce our respective strategic offensive nuclear weapons stockpile and to reduce it quite dramatically. Considering how strategic nuclear weapons policy has changed since the time I first came to Capitol Hill, to the House of Representatives, way back in 1978, this new Moscow Treaty is a significant accomplishment but one that failed to maximize the opportunity to provide the world with the real destruction of weapons. It is clearly a major step in the right direction, but I do not think it has gone far enough.

During this debate today, we have heard about the weaknesses of this treaty, and there are some. I regret, for example, that the treaty merely dealerts nuclear weapons. It does not require their destruction.

The treaty also is weak in its timetable for reaching the lowering of the target inventories, the inventories of warheads on top of the ICBMs. The treaty brings the target down from multiples of thousands to a range between 1,700 and 2,200 weapons. But it does not offer a specific timetable for how that will occur over these next several years. I believe we can remove these weapons more rapidly, and I hope the administration will do so.

I also regret the treaty does not address tactical nuclear weapons, nor does it include verification procedures beyond those of the START I treaty.

I remember when I was in the House of Representatives at the time President Reagan was President, he kept saying over and over: ''Trust but verify.'' I think we could have some more of that in this treaty.

Despite all of those weaknesses, reductions in our strategic offensive weapons are appropriate, and are a major step in the right direction. Our relationship with Russia has evolved into an important partnership, and we hope that partnership is going to be strengthened. As we continue to move in this century to develop a relationship under the premise that Russia is not an enemy, then that is a step in the right direction.

The Presiding Officer is from the South. I am from the South. We are accustomed to seeing two strange dogs approach each other. They are very leery of each other. And pretty soon they are sniffing around each other, and pretty soon those dogs decide it is OK, they can be friends. So as we start sniffing around with this former adversary, one that we hope will be a future solid partner, we must work to build mutual trust so our nations can cooperate on other important issues of common concern to our collective security, such as fighting terrorism, and such as economic reform and development.

Clearly, one of the areas we have had a very cooperative relationship in is our respective space programs.

I will never forget in the midst of the cold war there was a little bit of thought when an American astronaut crew rendezvoused and docked with a Soviet crew of cosmonauts. They lived together in space for 9 days in the Apollo-Soyuz historic mission of 1975. That started the contacts between our two space programs. That ultimately led to the joint venture we have now where the Russians are a partner of ours and they are helping us. They are our partner as we build the International Space Station. By virtue of this recent tragedy with the Space Shuttle *Columbia*, the way we can save those three humans on board should we not be able to get another space shuttle to the space station is the fact that there is a former Soviet—now Russian—spacecraft, Soyuz, that is docked to the International Space Station that can bring that crew of two Americans and one Russian home if they need to.

This relationship with Russia has extended to NATO. We look forward to cooperating with Russia on issues affecting the security of Europe and our allies. But there is one area in which the United States can provide assistance to Russia while enhancing U.S. security. In this context of the Moscow Treaty, this is critically important. Earlier today Senator BIDEN said we must continue to move forward and provide adequate funding to the Nunn-Lugar Cooperative Threat Reduction program and related nonproliferation programs in the Departments of Energy and State.

These programs collectively facilitate the destruction of nuclear weapons. They bolster the security of the facilities containing weapons-usable and fissile material. And these programs provide for retraining of scientists.

These programs are very valuable. Yet they have not been adequately funded. This administration has not come forward with the adequate request for funding for the Nunn-Lugar cooperative threat reduction program.

I will tell you, there is no one I have a greater respect for than my chairman of the Foreign Relations Committee, Senator DICK LUGAR. I think he will tell you the same thing. The spread of nuclear weapons and associated materials is a real threat. It is one particularly evident as we weigh the options available to us to deal with so many of the threats around the globe. Look at North Korea. It is one of those threats.

We must provide resources to these programs to try to stop the spread and the proliferation of nuclear materials because they enhance our security by ensuring the adequate disposal of these weapons and their fissile material.

Certainly now when we are engaged in this war against terrorists, when we are trying to prevent al-Qaida sympathizers and other terrorists from acquiring such deadly weapons, we should not lack in any resources.

I again make a pitch to my colleagues in the Senate to adequately fund the Nunn-Lugar cooperative threat reduction program.

These programs were evaluated in a report released in January 2001 by our former colleague and now the Ambassador to Japan—Howard Baker from the State of the Presiding Officer—and his partner in that report, Lloyd Cutler. Their report clearly said these threat reduction programs are being underfunded. They call the proliferation of weapons of mass destruction

and weapons-usable material to be ''the most urgent unmet national security threat to the United States today.''

That is what Howard Baker and Lloyd Cutler said in their report to the Congress in 2001.

That report was before an agreement was reached on the Moscow Treaty for reducing our nuclear arsenals.

Now with so many new nuclear weapons coming out of service, we must consider significant action to reduce proliferation to ensure that the American people and our friends and allies around the world will be safe. The most obvious way is to bolster the Nunn-Lugar programs.

I want to also speak on the subject of nuclear weapons, and I want to mention North Korea.

I was very troubled to see the report that the Bush administration is slowly accepting North Korea's status as a nuclear power. This is an unconscionable abdication of leadership by this administration. North Korea has taken provocative steps. I don't know why we weren't raising Cain—I mean shaking the rafters—when those fighter aircraft buzzed our observation aircraft—our surveillance aircraft—just 2 days ago. North Korea has taken some very provocative steps hostile to the United States.

It is likely they already have, according to our estimates, between one and three nuclear weapons because North Korea cheated on several international and bilateral agreements over the past decade. Since that time, they have renounced the Nuclear Non-Proliferation Treaty. They have renounced the International Atomic Energy Agency and their monitors who were there present by international agreements. They have renounced the 1994 Agreed Framework with the United States. They have been moving spent fuel rods to a reprocessing plant. Then, of course, this inexcusable incident with fighter jets to harass a U.S. reconnaissance flight in international airspace.

Now, lo and behold, the President of North Korea is overtly threatening a nuclear war if the United States leads any effort to isolate them.

With all of this belligerence, we have to have a plan. I would suggest that the Bush administration start working to diplomatically sit down with North Korea to start reducing tensions. We cannot and must not allow the North Koreans to develop an effective nuclear weapons arsenal.

A year ago, the President, in his State of the Union Address, referred to North Korea as an ''Axis of Evil.'' Does he think that they are evil? I think he does. Do I think that they are evil? I certainly do.

But is this the best way, diplomatically, to approach someone that we are trying to contain from becoming a nuclear power? We want them to stop their brutal actions against their own population, and we want to stop their proliferating technologies relating to weapons of mass destruction.

So in that regard, the President was correct. But we have started to see what the consequences of that speech are. Instead of, as Theodore Roosevelt would say, ''speaking softly and carrying a big stick,'' the President made a judgment to speak harshly. And I want to know, where is the policy to back it up?

This pronouncement did not cause the North Koreans to begin bad behavior and cheat on their agreements with the U.S. and the international community, but it did embolden them to harden their position and to spurn the international community and begin in earnest to openly pursue more nuclear weapons. This is now the situation in which we find ourselves. And we have to get out of it.

I want this administration to have success because I think North Korea, with, a short way behind them, the country of Iran, poses the next major threat behind the threat that we are engaged in, which is, the war against terrorists.

I think the United States needs some clear action. U.S. leadership is needed to get the world's declared nuclear powers to work together through the United Nations Security Council on a common response to the danger, not only in North Korea, but in Iran as well. If we fail to do so, the nightmare scenario of North Korea selling its nuclear weapons to terrorist groups and other rogue states, even their enriched uranium that they are trying to produce, all of that could become a reality. That is not good for anybody on planet Earth.

I believe we ought to approach a policy where we must make North Korea understand that building an arsenal of nuclear weapons will not be tolerated and that all options to combat this threat, including the military options, have to be on the table. At the same time, we must work to form a viable regional solution with China and Russia and Japan and South Korea, but not to the exclusion of bilateral dialog with North Korea.

I think all of us here are disappointed that China did not respond favorably to Secretary of State Colin Powell's recent appeals for assistance and involvement during his recent trip there. China, and other members of the Security Council, have a lot at stake. They must live up to their commitments of trying to prevent nuclear proliferation.

No policy that we pursue can possibly work unless it is carried out in concert with key countries. But we are getting to the point that we cannot wait. We are going to have to devise workable policy options that the United States and North Korea may take to de-escalate this situation.

So I call upon our colleagues here and our friends in the administration to begin a dialog with North Korea immediately. Each day that passes is a day that the danger notches up one more level.

Again, I thank Senators LUGAR and BIDEN for their strong leadership on these critical security issues facing our Nation. I thank them for their sponsorship of this Moscow Treaty. I will support the Moscow Treaty on the final result at the end of the day when we pass it. It is clearly in the interests of the United States. Indeed, it is in the interests of planet Earth.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now return to legislative session and that it proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO RETIRING SERGEANT AT ARMS ALFONSO LENHARDT

Mr. BENNETT. Mr. President, the Democratic leader took to the floor recently to pay tribute to the retiring Sergeant at Arms, GEN Al Lenhardt.

I used to chair the Committee on Legislative Branch Appropriations, in which circumstance I had continual contact with the Office of the Sergeant at Arms. When I became the ranking member of that subcommittee was when Al Lenhardt was hired as the Senate Sergeant at Arms. I can report to my fellow Senators that he had no partisanship at all in the way he discharged his duties.

It was within a matter of days after he was sworn in as Sergeant at Arms that September 11 hit. His baptism into the procedures of the Senate was handling the disaster of September 11 and trying to work out security for the Senators, and then to handle security as we traveled to Ground Zero in New York. Since that time, he has been faced with the challenge of making the Capitol as secure as possible.

As he moves on to his next assignment, I want to make it clear that I, too, salute him for the service he has performed for the Senate. He has handled himself in a very professional way. He has done very significant things to make this building safer, things that most Senators do not see.

By virtue of my position on that subcommittee, I was privileged to be in a confidential, classified briefing, as he outlined for us the actions that have been taken to make this building safe.

Indeed, I now take some comfort out of the fact that if there is a biological or chemical attack on Capitol Hill, this building is the safest place to be of any place on Capitol Hill. And that is a tribute to the patriotism, professionalism, and service of Al Lenhardt.

So I join with my friends on the Democratic side of the aisle, and the Democratic leader, who chose him for that position, in wishing him the very

best in his professional service here forward.

Mr. REID. Will my friend yield?

Mr. BENNETT. I am happy to yield.

Mr. REID. Mr. President, I am embarrassed that I have not come prior to tonight and said something about GEN Al Lenhardt. I have served in the Senate a long time, and we have had some very fine Sergeants at Arms. But for the time and place, he was what we needed.

He is a man who had been literally under fire when he was in the military. He had been head of all the MPs in the Army. And for him to step in here, it was a perfect time, when we were going through all the trouble we had.

I have gotten to know him extremely well. He has been a personal asset to me and to all the Senators. As the distinguished Senator from Utah mentioned, staff and a number of Senators do not know how much he has done. Someday maybe something will be written about everything he personally went through to make sure this place is very safe.

I very much appreciate the Senator from Utah mentioning this fine man. This is not a partisan issue. Those of us who worked with him know what a wonderful job he has done. This is a spoils system we have here, and there are things that happen when there are new administrations, and I accept that.

I personally am going to miss him. He is a fine American. He has rendered great service to the Senate and to our country.

Mr. BENNETT. I thank the Senator from Nevada. I would also note that at the request of the majority leader, I was somewhat involved in the selection process to come up with a successor to Al Lenhardt. I can assure the Democratic whip and all other Senators that in the new Sergeant at Arms Pickle, we have a worthy replacement for Sergeant Lenhardt.

Mr. REID. General Lenhardt.

Mr. BENNETT. Now General Lenhardt. All right. I am very comfortable that the new Sergeant at Arms will carry on the same level of professionalism and provide the same level of protection for the Senators and our staffs that we have seen before.

It is a tribute to General Lenhardt that he has agreed to stay on until March 17 to see that the transition is as seamless as possible and that we do indeed maintain the level of safety we now have.

As good as the hands we have been in in the past, we will remain in good hands in the future.

SENATE ENGAGEMENT

Mr. WARNER. The public, today, across this Nation is exercising our greatest freedom, freedom of speech. Central to many town meetings, central to the media today, are the issues relating to Iraq. I find this strong and thoughtful debate, no matter on which side of the issue individuals or writers may be, extremely important at this key time in America's history.

I have been fortunate to be on planet Earth somewhat longer than many, and I have been fortunate to have been on the scene and been in a position to observe World War II, Korea, Vietnam and, this being my 25th year in the Senate, together with my colleagues in this Chamber over these many years, these wonderful years, I have been in a position to observe, and if I may say with some modesty, participate in those decisions facing our Nation as it relates to national security.

I have said many times of recent that this particular framework and decisions facing this President, President George Bush, this very courageous President, are as complicated, if not more complicated, than any I have ever seen in this span of my 76 years.

I commend our President and his team—Secretary of State Powell, Secretary Rumsfeld, National Security Adviser Rice, and many others. I followed, as I hope other colleagues did, another brilliant speech given today by the Secretary of State—no equivocations, respect for others and their views, but clearly staying the course, a course on which our Nation embarked to pursue diplomacy to resolve these issues. Iraq is foremost in our minds but close in parallel to significance is the Korean peninsula. There, again, we are being confronted with a situation that requires the strongest of commitments and the strongest of diplomacy. And our President, again, is guiding that diplomacy such that we should address this issue in a multilateral context. I think he is on the right track.

Worldwide terrorism: How many could have foreseen before September 11 that this country would be in the grip, not of state-sponsored terrorism—some state-sponsored but now more the individual. The al-Qaida, the Hamas, you can recite these organizations that challenge our freedoms, our very security, and our most precious security at home.

Yes, America is engaged in this important debate. I commend all. There is a diversity of thought, and I am perfectly willing to listen carefully and heed the thoughts of others. But in that debate a question has arisen, and an important one: What has been, what is, and what is to be, the role of the Congress, and most particularly, the Senate?

The Senate is known and respected worldwide as a debating society; an institution where we have this marvelous opportunity for unlimited debate in certain instances, but most significantly, debate among 100 individuals, well-informed, very conscientious Members who work hard at their duties. We are the world's greatest institution for deliberations, and I am proud, modestly, to be a part. But we symbolize the hope across this world for freedom such as we enjoy in the United States, the hope to fight despair and hunger and political oppression. The Senate so often and carefully addresses those issues day by day.

As there is diversity of views in debate on Iraq across this Nation, there is diversity among Members in the Senate. That is the way it should be. Therein lies our strength. But there are some who have come up with some viewpoints which I simply do not share.

Some in this Chamber have exercised their very right to criticize the body as an institution for what it has done, is doing, and, more particularly in their views, has not done. Some have gone so far as to say, ''We are sleepwalking through history;'' ''this Chamber is hauntingly silent.''

Those are strong words, and words that I heed, and listen to, and in this instance I have great respect for the marvelous Senator who stated those words.

I can remember in the debate on Iraq that we had back in November, 5 hours one day, debating with that particular Senator, whom I admire. So the debate goes on.

But my point is, even though the rafters of this Chamber are not rattling with the rhetoric on Iraq, there are many very important functions going on beyond this Chamber, in the halls of the Senate, in the committee rooms, in the offices of Senators, throughout the entire infrastructure of this institution—in our field offices in our respective States where I and others so frequently meet our constituents. The debate on Iraq is taking place in a responsible way, in my judgment, in the Senate, and this institution is fulfilling its role.

Other Senators have criticized our President. We are really at war now. Yes, I agree that diplomacy is still at work and that final decision to go or not to go is yet to be made by our President, by the very courageous Prime Minister Tony Blair, and other heads of state and government of the group of willing nations, those willing to face up to the need to remove weapons of mass destruction from Saddam Hussein. Yes, they criticize the President. But really we are at war now, and I question how severe that criticism should be.

I was with the distinguished ranking member of the Armed Services Committee, Mr. LEVIN, the distinguished chairman of the Intelligence Committee, Mr. ROBERTS, and the vice chairman, Mr. ROCKEFELLER. The four of us toured Afghanistan and the Persian Gulf region. As we were there, missions were being flown in Operation Northern Watch, Operation Southern Watch, and other activities were taking place regarding which I am not at liberty to describe, nor should I describe, here on the floor.

But men and women in the uniform of the United States, and indeed a great many civilians—particularly those of the Agencies and Departments of this Government who perform our intelligence missions throughout the

world—are taking grave risks at this very hour. For that reason, I think we should exercise a measure of restraint and caution exercising our right to criticize, be it the President or criticize this institution. I looked into the faces of those individuals, some who might well have been involved in the recent capture of this individual who allegedly plotted 9/11, planned it, and those plans might well have included the very building in which I am so privileged to stand at this time. We shall learn in due course more and more about the aims of the terrorists who struck us on 9/11, the aims of the terrorists who are still planning to strike us.

But let the debate go on. This is a strong nation, and our citizens are of strong mind, and our citizens are of a fair mind. Our citizens are very mindful of those in uniform, and those not in uniform, who today are taking the risks beyond our shores to interdict those who would bring harm to these great United States of America.

Homeland defense, how important that subject is. Our President again has led. We created that Department. But homeland defense begins beyond the shores where the men and women of the Armed Forces and civilians and others are stationed, in so many nations. It begins there for the reason that, to the extent they can interdict, to the extent they can crush the terrorists before their plans are unwrapped to inflict damage on our beloved homeland—that is where homeland defense begins.

So my reply today to my good friends who have taken this institution and called upon it in certain ways, as to what it is doing, I would say most respectfully that the Senate as a body has been, is, and will continue to be responsibly engaged in this debate; responsibly engaged in the consultation as it relates to these issues, consultation with the administration, consultation with our constituents, consultation with heads of governments and states—which I was privileged to do on this trip with my colleagues—consultation with our militaries of the United States and the military leaders of other nations.

There is a broad range of activity by many Members of this body, a broad range of activities that I think are as important as any debate that takes place on the floor of the Senate.

We had a historic debate, as I alluded, last fall. My calculation—others' may be different—is that debate lasted longer than the one we had in 1991. I remember that debate very well. I was privileged to be one of the coauthors of the resolution, as I was a coauthor of this resolution, this resolution which, after this very lengthy debate, was adopted with a strong vote of support for our President to have the authority to use force—77 strong votes.

But those activities did not end. In other words, there were many activities going on apart from the debate at that time: The same series of meetings and briefings, the same consultations going on just prior to that debate and during that debate. Those same meetings have continued on to this very hour. I am proud of the role of this institution. I am proud of it.

I ask unanimous consent to have printed in the RECORD a chronology that I put together of the meetings in which I have participated with many other Senators. For example, on September 4, a meeting to discuss Iraq with President Bush at the White House; a number of us were there; September 5, a briefing on Iraq with CIA and DOD officials; programs, 25 in number, of all of the times that I have been involved. Most particularly, I am very proud of the record of the Senate Armed Services Committee. Again in the fall, under the able chairmanship of my distinguished colleague here. We have been at business, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SASC/SENATE CHRONOLOGY OF ACTIVITY ON IRAQ

SEPTEMBER 2002

9/4: Meeting to discuss Iraq with Pres. Bush, The White House.

9/5: Briefing on Iraq with CIA/DOD officials.

9/9: Briefing on Iraq with CIA/DOD officials.

9/17: Closed SASC Hearing to discuss Iraq w/George Tenet, Admiral Jacoby.

9/19: SASC Hearing to receive testimony on Iraq from Gen. Myers and Sec. Rumsfeld.

9/23: Full SASC Hearing to discuss Iraq with Gen. Shalikashvili, Gen. Clark, Gen. Hoar, Lt. Gen. McInerney.

9/25: Full SASC Hearing to discuss Iraq, Dr. James Schlesinger and Sandy Berger.

OCTOBER 2002

10/8: Senators Briefing to discuss Iraq.

10/8–1011: Senate debate and vote on authorization of use of force against Iraq.

10/6: Senators Only Briefing with Sec. Rumsfeld and Gen. Myers.

NOVEMBER 2002

DECEMBER 2002

12/10: SASC Briefing by Sec. Wolfowitz and Gen. Pace to discuss current operations.

JANUARY 2003

1/9: Meet with Sec. Rumsfeld, Senator Levin, Congressman Skelton and Congressman Hunter, Pentagon. Budget and Iraq issues discussed.

1/15: Closed Hearing on current and potential military operations with Sec. Rumsfeld and Gen. Myers.

1/15: Closed Briefing on Iraq and weapons inspection by CIA and DIA.

1/17: Meeting with George Tenet.

1/23: Senators Only Briefing with Sec. Powell and Sec. Rumsfeld.

FEBRUARY 2003

2/5: Meeting to discuss Iraq with President Bush, Dr. Rice, Senate Leadership and Chair/Ranking Members of SASC, Intel, FR, White House.

2/12: SASC Hearing on Worldwide Threats with Director Tenet and Adm. Jacoby.

2/13: SASC Hearing regarding DOD Authorization for FY04 with Sec. Rumsfeld and Gen. Myers.

2/25: SASC Hearing to discuss DOD Authorization with Service Chiefs.

2/26: Closed SASC Briefing on Planning for Post Conflict Iraq with Feith.

MARCH 2003

3/4: Closed SASC Briefing on current operations by Lt. Gen. Schwartz (J–3) and Major Gen. Shafer (J–2).

Mr. WARNER. Here is the record. Decide for yourselves. I would like most respectfully to encourage the chairman of the Foreign Relations Committee, the chairman of the Intelligence Committee, the chairman of the Appropriations Committee, to likewise put in the RECORD the activities which they as individuals, they as leaders of their committee, have done in connection with this very important issue, or series of issues facing our Nation today.

The Armed Service Committee and the entire Senate have spent an enormous amount of time reviewing, discussing and debating Iraq. In the Armed Services Committee alone we have had at least twelve hearings or briefings since September 2002 where the issue of Iraq was discussed extensively, if not exclusively. That is in addition to numerous briefings for all Members by Secretary Rumsfeld, Secretary Powell and other Administration officials. Also, the President, Vice President and other members of the Administration have hosted countless events for Congressional leadership to exchange views on Iraq.

In October 2002, we had a thorough debate on the floor of the Senate on a resolution to authorize the use of force. That debate exceeded the amount of time we spent debating the resolution to authorize the use of force against Iraq in 1991. The resolution passed by an overwhelming vote of 77 to 23.

While there have been many developments since October, the vast majority have all reinforced the case that the authorization for the use of force should remain unchanged. The military buildup has been in support of the President's diplomatic efforts. If anything, the events since October have clearly shown that inspections are not succeeding and there is no compelling evidence that they will succeed in disarming a regime that will not cooperate with the inspectors. We must keep in mind that Iraq's weapons of mass destruction programs have been designed to operate under an inspection regime. That is why more time for inspections will not produce substantive results—if Saddam Hussein continues to deny, deceive and defy inspectors.

President George Bush wants to build a broad international coalition to confront the threat Iraq poses to global security. Far from ''going it alone,'' he has taken his case to the United Nations. President Bush presented a remarkable speech to the U.N. on September 12, 2002, that brought to the attention of the world the threat this man, Saddam Hussein, represents. Were it not for the leadership of President Bush and Prime Minister Blair, the world would not be focused on this clear and growing threat to global security.

The U.N. is really the organization that is being tested here. Is it to be a

decisive fore in international affairs that enforces the will of its members, or is it to be the organization that stands in the way of timely, decisive action and takes no action to enforce its mandates?

The United States, Britain and Spain tabled a clear resolution this week that reaffirms U.N. Security Council resolution 1441 and the 16 resolutions that came before it, and simply states what is plain to all of us: that Saddam Hussein has failed in this, his final opportunity to cooperate fully with U.N. demands that he destroy his weapons of mass destruction.

The Security Council now must decide whether it will live up to its sometimes difficult responsibilities. By failing to act, the U.N. would only damage its own credibility, not deter the U.S. and the other members of the ''coalition of the willing'' from exercising their rights and responsibilities to protect the security interests of their nations from the threat posed by Iraqi weapons of mass destruction.

Failure to achieve consensus cannot and should not be used as an excuse for inaction. If our principles, our security, our interests are at stake, we must act, in spite of differences with others, and whether or not others choose not to act for their own reasons.

A strong, clear-thinking and decisive UN can make the world stronger and safer, but a UN unable to make difficult decisions will be of little use in dealing with Iraq and other security challenges, such as North Korea.

Resolution 1441, which the security Council passed 15–0, is not about inspections, it is about disarmament. It is about offering Iraq a final—17th—opportunity to turn away from a rogue, non-cooperative status and become a responsible member of the community of nations, in this case by living up to the terms of the cease fire signed 12 years ago.

With other Senators, I had the opportunity to travel to the Middle East and Afghanistan recently, and I can say without equivocation that our brave young men and women mobilizing in support of this mission are the best trained, best equipped fighting force ever assembled, and the best defenders of freedom any country could possibly have in this situation. They are ready, and so is America, to lead a coalition of nations in disarming Saddam, if necessary.

The decision time is rapidly approaching. We will welcome UN support, but, make no mistake: we will do what is necessary, without the UN if need be. America is ready to face that challenge.

This is not a ''rush to war'' as some have suggested. Saddam Hussein agreed to disarm 12 years ago this month. The United Nations has passed 17 Security Council Resolutions with regard to Iraq and their transgressions against their own people, their neighbors and the international community. Every conceivable diplomatic, economic and military avenue, short of overwhelming force, has been tried. There is one last faint hope that diplomacy can succeed, if Saddam Hussein agrees to fully cooperate and disarm, without further delay. But, it is certainly not a rush to war.

Some have asked, ''why now?'' I would remind those who ask such a question that the risks of further delay or inaction could be far more costly and devastating than confronting Saddam Hussein now. This is a man who has used chemical agents on his own people and his neighbors. This is a man who has had 4 unimpeded years to accelerate and hide his WMD program. This is a man who is attempting to develop new means to deliver weapons of enormous danger well beyond his own borders. This is a man who has ties to terrorist groups who have sponsored terrorist attacks against U.S. interests. We cannot wait for another 9/11 or similar event before we act.

Meeting with leaders in the Persian Gulf region recently, I was persuaded that there is far more support in the entire Gulf region for disarming Saddam promptly than has been reported publicly. Most of Saddam's neighbors want him removed—quickly—so that he is no longer a threat to them, no longer a force for instability in their region, no longer repressing the quality of life of the people of Iraq.

This confrontation with Saddam Hussein is about disarming a dangerous, brutal dictator. But, it is about other things, including freedom and liberty for the Iraqi people. As our President reminded the world in his address to the United Nations in September 2002, ''Liberty for the Iraqi people is a great moral cause and a great strategic goal. The people of Iraq deserve it, and the security of all nations requires it.''

Claims that the Administration has failed to plan or prepare for a post-conflict Iraq and accommodate the humanitarian needs of the Iraqi people are simply not true. The Departments of Defense and State, along with other interaency partners and international organizations have undertaken extraordinary steps to prepare to meet the security, economic and humanitarian needs of a post-war Iraq. We have received extensive briefings at the staff and Member level detailing these preparations. Can all of the questions be answered definitively? No. To try to do so would be deceiving to our people.

While some have faulted the lack of specificity regarding cost of a conflict or of securing the peace following potential conflict, the Administration has been prudent and honest in its uncertainty about how long any conflict may last and how long it will take to transition to a democratic, free Iraq.

Past administrations have provided quick, unrealistic estimates that satisfied the immediate concerns, but later proved wrong. For example, we all remember the famous claim of the previous administration that we would be out of Bosnia in one year. That was in 1995—we are now beginning our 8th year of military presence in that nation.

I commend this Administration for its honesty. They will share information on costs and duration of any operations when they can have reasonable confidence in the estimates.

Further delay and concessions will not lead to the disarmament of Saddam Hussein. He has proven that for 12 years. He must understand through the strength of our coalition—and, if possible, with the UN—that disarmament without further delay is his only option. As history tells us, ''peace in our time'' with this man will not be achieved by appeasement. This is a time for action.

I will perhaps at a later date expand on the theme I have spoken about today. But the principal reason I come forward is to show this Senator's strong support because of the action of our President, strong support for Secretary of State Colin Powell in my remarks today, and most significantly strong support for the work of this institution, of which I am privileged to be a Member, and for the work they have done.

I yield the floor.

AMERICAN INTERESTS AT RISK IN RUSH TO WAR

Mr. KENNEDY. Mr. President, on a number of recent occasions, I have outlined here on the floor of the United States Senate my deep reservations about the Bush administration's rush to war with Iraq, particularly as U.N. inspectors are on the ground and making progress. I am especially concerned that war with Iraq at this time without the backing of our allies and the support of the United Nations will undermine the effective coalition against the more dangerous threat of terrorism. And I believe it is the wrong priority, especially in the face of the current nuclear threat from North Korea.

But I also believe that this administration's conduct of American foreign relations has angered our friends and encouraged our enemies. This chip-on-the-shoulder, my-way-or-the-highway approach to diplomacy has alienated our allies at a time when we need unity to address modern threats.

Recently, a senior member of the U.S. Foreign Service resigned in protest over the administration's approach and its policies. Mr. JOHN Brady Kiesling has served American interests as a diplomat for many years in many difficult situations. And his brave letter of resignation speaks volumes about the dangerous direction of the Bush administration in the conduct of foreign affairs.

I urge my colleagues to pay careful attention to his words, and ask unanimous consent that his thoughtful letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR MR. SECRETARY: I am writing you to submit my resignation from the Foreign Service of the United States and from my position as Political Counselor in U.S. Embassy Athens, effective March 7. I do so with a heavy heart. The baggage of my upbringing included a felt obligation to give something back to my country. Service as a U.S. diplomat was a dream job. I was paid to understand foreign languages and cultures, to seek out diplomats, politicians, scholars and journalists, and to persuade them that U.S. interests and theirs fundamentally coincided. My faith in my country and it values was the most powerful weapon in my diplomatic arsenal.

It is inevitable that during twenty years with the State Department I would become more sophisticated and cynical about the narrow and selfish bureaucratic motives that sometimes shaped our policies. Human nature is what it is, and I was rewarded and promoted for understanding human nature. But until this Administration it had been possible to believe that by upholding the policies of my president I was also upholding the interests of the American people and the world. I believe it no longer.

The policies we are now asked to advance are incompatible not only with American values but also with American interests. Our fervent pursuit of war with Iraq is driving us to squander the international legitimacy that has been America's most potent weapon of both offense and defense since the days of Woodrow Wilson. We have begun to dismantle the largest and most effective web of international relationships the world has ever known. Our current course will bring instability and danger, not security.

The sacrifice of global interests to domestic politics and to bureaucratic self-interest is nothing new, and it is certainly not a uniquely American problem. Still, we have not seen such systematic distortion of intelligence, such systematic manipulation of American opinion, since the war in Vietnam. The September 11 tragedy left us stronger than before, rallying around us a vast international coalition to cooperate for the first time in a systematic way against the threat of terrorism. But rather than take credit for those successes and build on them, this Administration has chosen to make terrorism a domestic political tool, enlisting a scattered and largely defeated Al Qaeda as its bureaucratic ally. We spread disproportionate terror and confusion in the public mind, arbitrarily linking the unrelated problems of terrorism and Iraq. The result, and perhaps the motive, is to justify a vast misallocation of shrinking public wealth to the military and to weaken the safeguards that protect American citizens from the heavy hand of government. September 11 did not do as much damage to the fabric of American society as we seem determined to so to ourselves. Is the Russia of the late Romanovs really our model, a selfish, superstitious empire thrashing toward self-destruction in the name of a doomed status quo?

We should ask ourselves why we have failed to persuade more of the world that a war with Iraq is necessary. We have over the past two years done too much to assert to our world partners that narrow and mercenary U.S. interests override the cherished values of our partners. Even where our aims were not in question, our consistency is at issue. The model of Afghanistan is little comfort to allies wondering on what basis we plan to rebuild the Middle East, and in whose image and interests. Have we indeed become blind, as Russia is blind in Chechanya, as Israel is blind in the Occupied Territories, to our own advice, that overwhelming military power is not the answer to terrorism? After the shambles of post-war Iraq joins the shambles in Grozny and Ramallah, it will be a brave foreigner who forms ranks with Micronesia to follow where we lead.

We have a coalition still, a good one. The loyalty of many of our friends is impressive, a tribute to American moral capital built up over a century. But our closest allies are persuaded less that war is justified than that it would be perilous to allow the U.S. to drift into complete solipsism. Loyalty should be reciprocal. Why does our President condone the swaggering and contemptuous approach to our friends and allies this Administration is fostering, including among its most senior officials. Has ''oderint dum metuant'' really become our motto?

I urge you to listen to America's friends around the world. Even here in Greece, purported hotbed of European anti-Americanism, we have more and closer friends than the American newspaper reader can possibly imagine. Even when they complain about American arrogance, Greeks know that the world is a difficult and dangerous place, and they want a strong international system, with the U.S. and EU in close partnership. When our friends are afraid of us rather than for us, it is time to worry. And now they are afraid. Who will tell them convincingly that the United States is as it was, a beacon of liberty, security, and justice for the planet?

Mr. Secretary, I have enormous respect for your character and ability. You have preserved more international credibility for us than our policy deserves, and salvaged something positive from the excesses of an ideological and self-serving Administration. But your loyalty to the President goes too far. We are straining beyond its limits an international system we built with such toil and treasure, a web of laws, treaties, organizations, and shared values that sets limits on our foes far more effectively than it ever constrained America's ability to defend its interests.

I am resigning because I have tried and failed to reconcile my conscience with my ability to represent the current U.S. Administration. I have confidence that our democratic process is ultimately self-correcting, and hope that in a small way I can contribute from outside to shaping policies that better serve the security and prosperity of the American people and the world we share.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred December 2, 2000 in Carlsbad, CA. Four minors beat a 34 year-old man because they believed he was gay. The assailants confronted the victim as he was walking home from a bar. The group yelled ''Hey, faggot, what are you looking at?'' then attacked the victim.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

U.S.–PAKISTAN CONNECTION

Mr. BROWNBACK. Mr. President, last week, with the help of Pakistani authorities, Khalid Shaikh Mohammed was captured and taken into custody. This represents the highest ranking al Qaeda official to be apprehended in the war on terrorism and, according to some experts, Mohammed is the most important terrorism related arrest in history.

I come to the floor today to publically express my gratitude to the government of Pakistan and to President Musharraf in particular.

The arrest, along with the intelligence information gathered at the scene, brings us one giant step closer to dismantling the al Qaeda terror network.

You don't have to dig too deeply into the recent press stories to see the significance of this event.

From the Washington Post:

U.S. authorities said they expect a trove of leads from the search of Mohammed's living quarters . . .

From the New York Times:

Al Qaeda Hobbled by Latest Arrest . . .

From Time magazine:

Pakistani authorities nab Khalid Shaikh Mohammed, the al-Qaeda bigwig who helped mastermind the Sept. 11 attacks.

It is important to note the context in which this significant accomplishment was achieved. Pakistan today is dealing with internal terrorist elements that want to turn that country into a radicalized, terrorist state. There are whole areas of the country in the mountainous boarder with Afghanistan—which are outside the control of the government. And while the campaign against the Taliban was a crucial first step in the war on terrorism, it has also shifted many of the radicals who were operating there into this part of Pakistan.

Against this backdrop, it would be easy for President Musharraf to yield to the threats and intimidation of these elements within his society. We have seen all too well what happens when leaders neglect their responsibility to educate and lead their people rather than cave to popular mob mentality. Even in Europe, we have seen elements of this in the performance of Schroeder and Chirac.

But despite some public pressure, President Musharraf has taken a bold and strong stance against a fundamentalist future for his country. He understands that it is in Pakistan's best interest to rid the country of the terrorist cells that are acting as parasites on the Pakistani people. He understands that the best way to bring investment, jobs, health care and security for his people is to join the realm of the responsible world.

It is easy to underestimate the amount of courage this type of leadership takes. Sitting in our comfortable

democracy in the U.S., it seems the obvious choice.

But I call on my colleagues to take a moment to remember the immense problems that Pakistan is dealing with: because of tensions in the region, and the war in Afghanistan, Pakistan's economy has suffered a huge loss. And despite my best efforts with some fellow colleagues, the U.S. has yet to provide the one thing Pakistan really needs: a better deal on textiles.

Textiles and textile products are Pakistan's main export. As a result of the war effort, invaluable orders for textile products made and exported by Pakistan have been canceled due to perceived instability in the region and a lack of confidence that such orders will ultimately be delivered.

According to the Pakistan Textile and Apparel Group, Pakistan has witnessed a 64 percent reduction in orders for clothes that would be made from last year alone, by the 14 largest apparel factories in Lahore, Karachi, and Faisalabad. As a result, employment in these factories has dropped 32 percent from a year ago. The Pakistani government has estimated the overall decline in orders at 40 percent. This has very real consequences for the future of Pakistan, its stability, and its ability to forge a future of economic prosperity for its people.

As a weakened market for Pakistani textile exports ultimately renders human development programs within Pakistan less effective, especially the primary education element, young Pakistani's are faced with the prospect of no education and therefore no quality employment. An all-to-frequent alternative to this prospect is for young Pakistani's to attend Madrasas—Islamic religious schools run by mullahs—where too often basic skills and primary education are supplanted by religious teachings used to indoctrinate young Pakistani's into following the perverted version of Islam followed by Osama Bin Laden, Al Queda, and the Taliban.

Mr. President, I urge all of my colleagues to work with me in the Congress to provide the President with authority to assist Pakistan in the textile market immediately. Such action is vitally important to the stability of our important ally, and victory in our Nation's war against terrorism. Failing to take quick action only strengthens our enemy.

The war on terrorism will only be won through the continued cooperation of important countries like Pakistan. The very least we can do in this body today is to recognize this support and to say thank you for it.

ENERGY OVERSIGHT

Mr. LEAHY. Mr. President, I am pleased to join Senator DIANNE FEINSTEIN in sponsoring the Energy Oversight Bill. This bill clarifies the scope of the existing regulatory authority of the Commodity Futures Trading Commission, CFTC, over markets in over-the-counter, OTC, derivatives, including its anti-fraud and anti-manipulation jurisdiction over exempt commodities such as metals and energy.

Over-the-counter derivatives markets have assumed an increasingly large role in the U.S. economy. A recent conservative estimate put the size of the global OTC derivatives market at $111 trillion. The U.S. share of that market is estimated to be at least two-thirds. Derivatives based on ''exempt commodities,'' such as energy and metals, make up a small percentage—probably no more than 2 percent—of the total OTC derivatives market. However, derivatives play an increasingly important role in energy and metals markets, which are in turn critical to our overall economy.

The energy markets are among the largest and most dynamic in the United States. Hundreds of billions of dollars in energy products—which include electricity, natural gas, crude oil, and gasoline—are traded each year in the United States—both on-exchange and in the over-the-counter markets.

We are all well aware of the tragedies that occurred last fall surrounding the collapse of Enron. For instance, there have been numerous stories in the press regarding allegations of manipulations in energy markets. I understand the CFTC currently is in the process of pursuing a comprehensive, detailed investigation of allegations raised by the Enron collapse.

However, some have suggested that following passage of Commodity Futures Modernization Act, CFMA, in 2000 the CFTC does not in fact have authority to effectively and successfully investigate and punish fraud and manipulation in derivatives markets for exempt commodities—particularly energy and metals. In a hearing held by the Senate Agriculture Committee last July, questions were raised about the CFTC's ability to prevent fraud and manipulation in the first place.

If that is the case, not only do these transactions fall outside the jurisdictional reach of the CFTC, but in most cases, they are beyond the reach of any other federal financial regulator. Thus, we have a gap in the oversight of exempt commodity transactions. And plainly, this gap was not something Congress intended when it passed the CFMA.

This legislation puts these questions to rest.

Our bill clarifies that the CFTCs anti- fraud and anti-manipulation authority applies to all exempt commodity transactions and requires derivatives marketplaces like electronic swap exchanges—like the now-defunct ''Enron Online''—to adhere to certain, minimal regulatory obligations: among them are transparency, disclosure, and reporting.

It recognizes the benefits of market innovation by preserving the long-sought legal certainty for swaps—they remain for the most part ''exempt'' from CFTC jurisdiction. At the same time, however, the bill ensures that all derivatives transactions are subject to the commission's fraud and manipulation authorities. It would not require the registration of swap counterparties, but would require that they maintain books and records of transactions—something that should be routine practice in the industry. Finally, the legislation recognizes that all exchange markets serve price discovery and hedging purposes by imposing modest transparency, disclosure, and reporting obligations.

Experience has shown that measures designed to increase market transparency instill confidence in markets, attract investment, and increase market integrity by providing regulators with the means to monitor for fraud and manipulation. Application of these principles to derivatives markets generally is sound public policy, prudent business practice, and common sense. The consequent benefits extend not only to market users, but also to consumers.

Accountability is important and must be restored because Enron is not alone. It is only a case study exposing the shortcomings in our current laws. Future debacles wait to be discovered not only by investigators or the media, but by the more than one in two Americans who depend on the transparency and integrity of our public markets.

The majority of Americans depend on capital markets to invest in the future needs of their families—from their children's college fund to their retirement nest eggs. American investors deserve action. Congress must act now to restore confidence in the integrity of the public markets.

Accountability and transparency help our markets work as they should, in ways that benefit investors, employees, consumers and our national economy. Our job is to make sure that there are adequate doses of accountability in our regulatory and legal system to prevent such occurrences in the future. The time has come for Congress to rethink and reform our laws in order to prevent corporate deceit, to protect investors and to restore full confidence in the capital markets.

Unfortunately, in the wake of Enron, we are presently witnessing some of the best arguments in favor of such changes. U.S. energy markets are suffering a crisis in confidence. This modest legislation is a good first step toward restoring this lost confidence and returning energy markets to a path of growth and efficiency.

ADDITIONAL STATEMENTS

TRIBUTE TO OPERATION EAGLE'S NEST

● Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to Operation Eagle's Nest. The Military Affairs Committees of Hopkinsville and

Oak Grove, KY, and Clarksville, TN, created this fund-raising initiative to help the families of deployed soldiers from Fort Campbell.

The communities surrounding Fort Campbell have a long tradition of supporting the more than 20,000 soldiers and their families of the 101st Airborne Division and the other units stationed at Fort Campbell. Troops from Fort Campbell have played a vital role in the war against terrorism in Afghanistan and around the world. As thousands of troops and tons of machinery and equipment depart Fort Campbell for the Middle East, it is important that Americans not forget the sacrifices of the families that the men and women of our Armed Forces leave behind.

Local businesses and citizens in Kentucky and Tennessee founded Operation Eagle's Nest with the goal of raising at least $1 million as a contingency fund to be used as needed at the base. The local citizens are excited about the initiative and the opportunity to once again show our soldiers and their families how much they appreciate the sacrifices they make for our great Nation. The Fort Campbell soldiers deployed in the Middle East feel at ease with the confidence that their families are supported by local citizens.

For Campbell Division Commander MG David Petraeus recently praised ''not just the monetary support but the symbolism of our communities coming together for the families.'' He is absolutely correct. The soldiers of Fort Campbell are heroically doing their part in the war on terror and the local citizens of Hopkinsville, Oak Grove, and Clarksville are graciously doing theirs. This is exactly what President Bush meant when he stated that all Americans must do their part in the war on terror.●

TRIBUTE TO STATE SENATOR ALVIN PENN

● Mr. LIEBERMAN. Mr. President, I rise to pay tribute to the life and career of Connecticut State Senator Alvin Penn, who died an untimely death on Friday, February 14, at the age of 54.

Alvin was a passionate and principled fighter who sought to give people of all races and backgrounds the equal opportunity that is every American's birthright. Through difficult times, he never wavered in serving his beloved city of Bridgeport. And those of us who were blessed to know him will always remember him as a larger than life human being with a generous spirit and sharp and unsinkable sense of humor.

As chairman of the State senate's public safety committee, Senator Penn banned the insidious practice of racial profiling and improved the State's witness protection program. Thanks to Senator Penn's work on this committee and others, Bridgeport has better schools, safer streets, and more prosperous neighborhoods than it did a decade ago.

The city of Bridgeport and the state of Connecticut, of course, still have their share of troubles—but Alvin never gave up, never let the steepness of the hill stop him from trying to climb. He understood that to get to the mountaintop, you must keep going up.

That is what he did. State Senator Penn did not take orders from special interests or party bosses. He listened to, and did what was right for, the people he served. Eight years ago, Alvin met with Gov. John Rowland, and told the Governor, ''You're a Republican from Waterbury and I'm a Democrat from Bridgeport. We understand the issues of our urban communities.'' He pledged to work together—and his word was good.

The city of Bridgeport will always hold State Senator Penn close to its heart. He is a part of its history, its present, and will be a part of its future. There is not yet an Alvin Penn memorial in Bridgeport—though there may someday be. For now, his legacy, and his memorial, is in every school and business and church, and every citizen on every street corner in the city he loved to serve.●

HONORING PATRICK S. LeROY

● Mr. BUNNING. Mr. President, I have the privilege and honor today of recognizing Patrick S. LeRoy of Louisville, Kentucky. Earlier this month, Patrick was honored by the Muscular Dystrophy Association as the 2003 Kentucky State Goodwill Ambassador.

Patrick is a special child with a special condition and unique opportunity to share his story with thousands of people. Each day he lives with Duchenne muscular dystrophy. Symptoms of this disease include increasing muscle weakness in the body, concentrated mainly in the arms and legs.

Nevertheless, Patrick does not allow this condition to limit his daily activities. In fact, this 8 year old is more active than most people his age, and even adults. Currently, Patrick is a second grader at Coral Ridge Elementary in Fairdale. When not studying his favorite subjects, math and science, this young man enjoys swimming, participating in karate class, and he also shares my passion for the game of baseball. In addition to his participation in athletics, Patrick also develops his artistic abilities through drawing.

What sets Patrick apart from other children is not his health condition but his willingness to make a difference by speaking with people about muscular dystrophy, helping to remove a stigmatism that stems from lack of knowledge. Being selected as the Kentucky ambassador will give Patrick a valuable opportunity to encourage public support and education of this disease. Please join me in congratulating Patrick S. LeRoy and wishing him the best of luck in his new position of 2003 Kentucky State Goodwill Ambassador.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—PM20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semiannual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 5, 2003.*

MEASURE HELD AT THE DESK

The following concurrent resolution was ordered held at the desk by unanimous consent:

S. Con. Res. 13. Concurrent resolution condemning the selection of Libya to chair the United Nations Commission on Human Rights, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1391. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program (WV–088–FOR)'' received on February 27, 2003; to the Committee on Energy and Natural Resources.

EC–1392. A communication from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Regulation T (Credit by Brokers and Dealers): Revision to the semiannual List of Foreign Margin Stocks''

received on February 25, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1393. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rule Title Rev. Rule 2003–23'' received on February 27, 2003; to the Committee on Finance.

EC–1394. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Standard Meal and Snack Rates for Family Day Care Providers (Revenue Procedure 2003–22)'' received on February 27, 2003; to the Committee on Finance.

EC–1395. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: Construction/Real Estate—Per Diem Allowances for Temporary Technical Services Employees (UIL: 62.02–06)'' received on February 27, 2003; to the Committee on Finance.

EC–1396. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: Petroleum Cost Depletion—Recoverable Reserves (UIL: 0611.05.01)'' received on February 28, 2003; to the Committee on Finance.

EC–1397. A communication from the Regulations Coordinator, Center for Medicare Management, Centers for Medicare & Medicaid Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Physician Fee Schedule Update for Calendar Year 2003 (0938–AL21)'' received on February 27, 2003; to the Committee on Finance.

EC–1398. A communication from the Regulations Coordinator, Center for Medicare Management, Centers for Medicare & Medicaid Services, transmitting, pursuant to law, the report of a rule entitled ''31 CFR Part 50—Terrorism Risk Insurance Program (1505–AA96)'' received on February 25, 2003; to the Committee on Finance.

EC–1399. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the report relative to the implementation of the United States-Israel Free Trade Agreement; to the Committee on Finance.

EC–1400. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination for the position of Member, IRS Oversight Board, received on February 14, 2003; to the Committee on Finance.

EC–1401. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position Assistant Secretary, Public Affairs, received on February 14, 2003; to the Committee on Finance.

EC–1402. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy in the position of Chief Financial Officer, received on February 14, 2003; to the Committee on Finance.

EC–1403. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary, Management, received on February 14, 2003; to the Committee on Finance.

EC–1404. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, designation of acting officer and nomination for the position of Commissioner of Internal Revenue, received on February 14, 2003; to the Committee on Finance.

EC–1405. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, designation of acting officer and nomination for the position of Secretary of the Treasury, received on February 14, 2003; to the Committee on Finance.

EC–1406. A communication from the Trail Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Conforming the Federal Railroad Administration's Accident/Incident Reporting Requirements to the Occupational Safety and Health Administration's Revised Reporting Requirements; Other Amendments (2130–AB51)'' received February 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1407. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule ''Coast Guard Board for Correction of Military Records; Procedural Regulations (2105–AD19)'' received on February 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1408. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Transportation for Policy (New Position), received on February 28, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1409. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; San Francisco Bay, California (COPT San Francisco Bay 03–002) (2115–AA97)(2003–0012)'' received on February 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1410. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Mississippi River, Iowa and Illinois (CGD08–02–020) (2115–AE47) (2003–0009)'' received on February 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1411. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; (Including 3 regulations) (2115–AE46)(2003–0001)'' received on February 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1412. A communication from the General Counsel, Department of Commerce, transmitting, pursuant to law, the report of a draft bill entitled ''Marine Mammal Protection Act Amendments of 2003'' received on February 25, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1413. A communication from the Director, Congressional Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report relative to the Final Rule regarding Requirements for Low-Speed Electric Bicycles; to the Committee on Commerce, Science, and Transportation.

EC–1414. A communication from the President and Chief Executive Officer, National Railroad Passenger Corporation, AMTRAK, transmitting, pursuant to law, the report of AMTRAK's Grant and Legislative Request for Fiscal Year 2004; to the Committee on Commerce, Science, and Transportation.

EC–1415. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Authority of the Secretary of Homeland Security; Delegations of Authority; Immigrations Laws (RIN 1601–AA06)'' received on February 28, 2003; to the Committee on the Judiciary.

EC–1416. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approvals and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to Regulations for Permits, Approvals and Registration and Related Regulations (FRL 7450–4)'' received on February 25, 2003; to the Committee on Environment and Public Works.

EC–1417. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Connecticut; New Source Review/Prevention of Significant Deterioration Revision (FRL 7445–9)'' received on February 25, 2003; to the Committee on Environment and Public Works.

EC–1418. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Reorganization of and Revisions to Administration to Administrative and General Conformity Provisions; Documents Incorporated by Reference; Recodification of Existing SIP Provisions; Correction (FRL 7455–7)'' received on February 25, 2003; to the Committee on Environment and Public Works.

EC–1419. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits (FRL 7449–4)'' received on February 25, 2003; to the Committee on Environment and Public Works.

EC–1420. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Florida Update to Materials Incorporated by Reference (FRL 7453–7)'' received on February 25, 2003; to the Committee on Environment and Public Works.

EC–1421. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Kansas (FRL 7455–9)'' received on February 25, 2003; to the Committee on Environment and Public Works.

EC–1422. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities; Virginia Islands (FRL 7455–3)'' received on February 25, 2003; to the Committee on Environment and Public Works.

EC–1423. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the

report of a rule entitled ''Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules (FRL 7453–4)'' received on February 25, 2003; to the Committee on Environment and Public Works.

EC–1424. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District (FRL 7451–6)'' received on February 25, 2003; to the Committee on Environment and Public Works.

EC–1425. A communication from the Chief, Regulation and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Ventura Air Pollution Control District (FRL 7454–4)'' received on February 25, 2003; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 195. A bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes (Rept. No. 108–13).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 273. A bill to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes (Rept. No. 108–14).

S. 302. A bill to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes (Rept. No. 108–15).

S. 426. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes (Rept. No. 108–16).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Ms. COLLINS for the Committee on Governmental Affairs.

*Linda M. Springer, of Pennsylvania, to be Controller, Office of Federal Financial Management Office of Management and Budget.

*Janet Hale, of Virginia, to be Under Secretary for Management, Department of Homeland Security.

By Mr. GRASSLEY for the Committee on Finance.

*Daniel Pearson, of Minnesota, to be a Member of the United States International Trade Commission for the term expiring December 16, 2011

*Charlotte A. Lane, of West Virginia, to be a Member of the United States International Trade Commission for a term expiring December 16, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BUNNING:

S. 514. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. JEFFORDS, Mr. ALLARD, Mr. THOMAS, Mr. SPECTER, Mrs. CLINTON, Mr. SANTORUM, and Mr. GRASSLEY):

S. 515. A bill to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. BUNNING (for himself, Mrs. BOXER, Mr. INHOFE, Mr. CRAIG, Mr. ALLEN, Mr. NICKLES, Mr. BURNS, Mr. BROWNBACK, Mr. THOMAS, Ms. SNOWE, Mr. MILLER, Mr. CAMPBELL, and Mr. SESSIONS):

S. 516. A bill to amend title 49, United States Code, to allow the arming of pilots of cargo aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY:

S. 517. A bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war; to the Committee on Veterans' Affairs.

By Ms. COLLINS (for herself, Mrs. MURRAY, Mr. BREAUX, and Mr. MILLER):

S. 518. A bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CAMPBELL:

S. 519. A bill to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans, and for other purposes; to the Committee on Indian Affairs.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 520. A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 521. A bill to amend the Act of August 9, 1955, to extend the terms of leases of certain restricted Indian land, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL (for himself and Mr. DOMENICI):

S. 522. A bill to amend the Energy Policy Act of 1992 to assist Indian tribes in developing energy resources, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL:

S. 523. A bill to make technical corrections to law relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

By Mr. BUNNING:

S. 524. A bill to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself, Ms. COLLINS, Mr. DEWINE, Ms. STABENOW, Mr. REED, Mr. INOUYE, Mr. VOINOVICH, Mr. KENNEDY, Mr. LEAHY, Ms. CANTWELL, Mr. JEFFORDS, Mr. WARNER, Mr. AKAKA, Mr. FITZGERALD, Mr. DURBIN, and Mr. BAYH):

S. 525. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. GRAHAM of Florida, Mr. KENNEDY, Mr. COLEMAN, Ms. MIKULSKI, Mr. ALLARD, and Mr. DAYTON):

S. 526. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs medicare beneficiaries by allowing plans to target enrollment to special needs beneficiaries; to the Committee on Finance.

By Mr. MILLER:

S. 527. A bill to establish the Southern Regional Commission for the purpose of breading the cycle of persistent poverty among the southeastern States; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. BENNETT):

S. 528. A bill to reauthorize funding for maintenance of public roads used by school buses serving certain Indian reservations; to the Committee on Environment and Public Works.

By Ms. CANTWELL (for herself, Mr. THOMAS, Mr. LEAHY, Mr. SMITH, Mr. WYDEN, Ms. SNOWE, Mr. DURBIN, Mr. HAGEL, Mr. ROBERTS, and Mr. CHAMBLISS):

S. 529. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act; to the Committee on Finance.

By Mr. KERRY:

S. 530. A bill to amend title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty; to the Committee on Governmental Affairs.

By Mr. DORGAN (for himself and Mr. JOHNSON):

S. 531. A bill to direct the Secretary of the Interior to establish the Missouri River Monitoring and Research Program, to authorize the establishment of the Missouri River Basin Stakeholder Committee, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mr. BINGAMAN, and Mr. MCCAIN):

S. 532. A bill to enhance the capacity of organizations working in the United States-Mexico border region to develop affordable housing and infrastructure and to foster economic opportunity in the colonias; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. SPECTER, Mr. SANTORUM, and Mrs. CLINTON):

S. 533. A bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALLEN:

S. 534. A bill to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty; to the Committee on Rules and Administration.

By Mr. CAMPBELL:

S. 535. A bill to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty; to the Committee on Rules and Administration.

By Mr. DEWINE (for himself, Mr. LEVIN, Ms. COLLINS, Mr. REED, Mr. VOINOVICH, and Ms. STABENOW):

S. 536. A bill to establish the National Invasive Species Council, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAPO (for himself, Mr. AKAKA, and Mr. CRAIG):

S. 537. A bill to ensure the availability of spectrum to amateur radio operators; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. WARNER, Ms. MIKULSKI, Ms. SNOWE, Mr. BREAUX, Mr. JEFFORDS, Mrs. MURRAY, Ms. COLLINS, Mr. KENNEDY, and Mr. SMITH):

S. 538. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself, Mr. DORGAN, Mr. KYL, Mrs. FEINSTEIN, Ms. MURKOWSKI, Mr. BURNS, Mrs. MURRAY, Mr. MCCAIN, Mrs. HUTCHISON, Mr. COLEMAN, and Mr. BINGAMAN):

S. 539. A bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 540. A bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KYL:

S. 541. A bill for the relief of Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julie Ilkova Ivanova; to the Committee on the Judiciary.

By Ms. STABENOW (for herself, Mrs. BOXER, Mr. DORGAN, Mr. LEAHY, Mr. LEVIN, Mr. SCHUMER, and Mr. JOHNSON):

S. 542. A bill to amend title XIX of the Social Security Act to clarify that section 1927 of that Act does not prohibit a State from entering into drug rebate agreements in order to make outpatient prescription drugs accessible and affordable for residents of the State who are not otherwise eligible for medical assistance under the medicaid program; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. BIDEN, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. GRAHAM of Florida, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mrs. MURRAY, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, and Mr. WYDEN):

S. 543. A bill to designate a portion of the Artic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. DODD (for himself, Mr. WARNER, Mr. HOLLINGS, Mr. REED, Mr. DASCHLE, Mr. LIEBERMAN, Mrs. CLINTON, Mr. SARBANES, and Ms. LANDRIEU):

S. 544. A bill to establish a SAFER Firefighter Grant Program; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. SMITH, Mr. DASCHLE, Ms. LANDRIEU, Mr. BREAUX, Mr. AKAKA, Mr. BIDEN, Mrs. MURRAY, Mr. KERRY, Mr. BAYH, Mr. DURBIN, Ms. STABENOW, Mr. LEVIN, Mr. WYDEN, Mr. KENNEDY, Mr. JEFFORDS, Mr. FEINGOLD, Mr. LAUTENBERG, Ms. COLLINS, Mr. CHAFEE, Mr. HARKIN, Mr. BINGAMAN, Mr. EDWARDS, Mr. SARBANES, Mr. CORZINE, Mr. LEAHY, Mr. LIEBERMAN, Mr. REED, Mr. DAYTON, Mr. NELSON of Florida, Mr. SCHUMER, and Mrs. CLINTON):

S. Res. 74. A resolution to amend rule XLII of the Standing Rules of the Senate to prohibit employment discrimination in the Senate based on sexual orientation; to the Committee on Rules and Administration.

By Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. ALLARD, Mr. BIDEN, Mr. MILLER, Mr. GREGG, Mr. DORGAN, Mr. LOTT, Mr. DASCHLE, Mr. COCHRAN, Mr. NICKLES, Mr. DAYTON, Mr. KERRY, Mr. INHOFE, Mr. JEFFORDS, Mr. FITZGERALD, Ms. LANDRIEU, and Mr. DURBIN):

S. Res. 75. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; to the Committee on the Judiciary.

By Mr. DURBIN:

S. Res. 76. A resolution expressing the sense of the Senate that the policy of preemption, combined with a policy of first use of nuclear weapons, creates an incentive for the proliferation of weapons of mass destruction, especially nuclear weapons, and is consistent with the long-term security of the United States; to the Committee on Foreign Relations.

By Mr. DASCHLE (for himself, Mr. LIEBERMAN, Mr. BIDEN, Mrs. FEINSTEIN, Mr. DODD, Mr. DURBIN, Ms. MIKULSKI, Mr. EDWARDS, Mr. REID, Mr. AKAKA, Mr. DORGAN, Mr. KERRY, Mr. LEAHY, Mr. CARPER, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. REED, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. KENNEDY, Mrs. MURRAY, Mr. DAYTON, Mr. NELSON of Nebraska, Mrs. CLINTON, Mr. CORZINE, Mrs. BOXER, Mr. HARKIN, Mr. SCHUMER, Mr. WYDEN, Mr. KOHL, Mr. JOHNSON, Mr. JEFFORDS, and Ms. CANTWELL):

S. Res. 77. A resolution expressing the sense of the Senate that one of the most grave threats facing the United States is the proliferation of weapons of mass destruction, to underscore the need for a comprehensive strategy for dealing with this threat, and to set forth basic principles that should underpin this strategy; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. CORZINE):

S. Con. Res. 13. A concurrent resolution condemning the selection of Libya to chair the United Nations Commission on Human Rights, and for other purposes; ordered held at the desk.

By Mr. SMITH (for himself, Mr. SCHUMER, Mr. CORZINE, Mr . ENSIGN, Mr. FEINGOLD, Mrs. MURRAY, Mr. SANTORUM, Mr. VOINOVICH, and Mr. WYDEN):

S. Con. Res. 14. A concurrent resolution expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia; to the Committee on Foreign Relations.

By Mr. ALLEN:

S. Con. Res. 15. A concurrent resolution commemorating the 140th anniversary of the issuance of the Emancipation Proclamation; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. Con. Res. 16. A concurrent resolution honoring the life and work of Mr. Fred McFeely Rogers; considered and agreed to.

By Mr. SANTORUM:

S. Con. Res. 17. A concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. NICKLES, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth.

S. 90

At the request of Mr. GREGG, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 90, a bill to extend certain budgetary enforcement to maintain fiscal accountability and responsibility.

S. 150

At the request of Mr. ALLEN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 160

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 160, a bill to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures, and for other purposes.

S. 206

At the request of Mr. ROBERTS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S.

206, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchase plans.

S. 207

At the request of Mr. SMITH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 207, a bill to amend the Internal Revenue Code of 1986 to provide a 10-year extension of the credit for producing electricity from wind.

S. 215

At the request of Mrs. FEINSTEIN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 245

At the request of Mr. BROWNBACK, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 245, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 271

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 272

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 272, a bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low income Americans to gain financial security by building assets, and for other purposes.

S. 310

At the request of Mr. THOMAS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 330

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 330, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 331

At the request of Mr. DASCHLE, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from North Dakota (Mr. DORGAN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 331, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 343

At the request of Ms. MIKULSKI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 343, a bill to amend title XVIII of the Social Security Act to permit direct payment under the medicare program for clinical social worker services provided to residents of skilled nursing facilities.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 373

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 373, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 380

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 380, a bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

S. 392

At the request of Mr. REID, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 457

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 457, a bill to remove the limitation on the use of funds to require a farm to feed livestock with organically produced feed to be certified as an organic farm.

S. 471

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 471, a bill to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Committee, and for other purposes.

S. 480

At the request of Mr. HARKIN, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. LUGAR), and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 481

At the request of Mr. ALLEN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 481, a bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

S. 504

At the request of Mr. ALEXANDER, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 504, a bill to establish academics for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and for other purposes.

S. 509

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 509, a bill to modify the authority of the Federal Energy Regulatory Commission to conduct investigations, to increase the penalties for violations of the Federal Power Act and Natural Gas Act, to authorize the Chairman of the Federal Energy Regulatory Commission to contract for consultant services, and for other purposes.

S.J. RES. 4

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Minnesota (Mr. COLEMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S.J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 24

At the request of Mr. BYRD, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. Res. 24, a resolution designating the week beginning May 4, 2003, as ''National Correctional Officers and Employees Week''.

S. RES. 46

At the request of Mr. BINGAMAN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Montana (Mr. BURNS), the Senator from California (Mrs. BOXER), the Senator from Delaware (Mr. CARPER), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. JEFFORDS), and the Senator from New York (Mr.

SCHUMER) were added as cosponsors of S. Res. 46, a resolution designating March 31, 2003, as ''National Civilian Conservation Corps Day''.

S. RES. 62

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Res. 62, a resolution calling upon the Organization of American States (OAS) Inter-American Commission on Human Rights, the United Nations High Commissioner for Human Rights, the European Union, and human rights activists throughout the world to take certain actions in regard to the human rights situation in Cuba.

S. RES. 71

At the request of Ms. MURKOWSKI, the names of the Senator from Missouri (Mr. BOND), the Senator from Wyoming (Mr. ENZI) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. Res. 71, a resolution expressing the support for the Pledge of Allegiance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING:

S. 514. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits; to the Committee on Finance.

Mr. BUNNING. Mr. President, today I am introducing the Social Security Benefits Tax Relief Act of 2003. This is a simple bill that would repeal the income tax increase on Social Security benefits that went into effect in 1993.

When the Social Security system was created, beneficiaries did not pay Federal income tax on their benefits. However, in 1983, Congress passed legislation that changed all this. The 1983 law requires that 50 percent of Social Security benefits be taxed for senior whose incomes reached a certain level. The revenue this tax generated was then credited to the Social Security trust funds. Although I wasn't in Congress back in 1983, some argued that these changes were necessary because it kept Social Security taxes more in line with taxes on private pensions and because it shored up the Social Security system.

In 1993, President Clinton proposed that 85 percent of Social Security benefits be taxable for seniors meeting certain income thresholds, and that this additional money be allocated for the Medicare Program. Unfortunately, Congress passes this provision as part of a larger bill, which President Clinton then signed into law.

I was a Member of the House of Representatives at this time. I voted against this bill and didn't support this provision. This tax is unfair to our senior citizens who worked year, after year, after year, paying into Social Security, only to be faced with higher taxed once they retired.

The bill I am introducing would repeal the 85 percent tax, and would replace the funding that has been going to the Medicare Program with general funds. This tax was unfair when it was implemented in 1993, and it is unfair today. I hope my Senate colleagues can support this legislation to remove this burdensome tax on our seniors.

By Mr. BUNNING (for himself, Mrs. BOXER, Mr. INHOFE, Mr. CRAIG, Mr. ALLEN, Mr. NICKLES, Mr. BURNS, Mr. BROWNBACK, Mr. THOMAS, Ms. SNOWE, Mr. MILLER, Mr. CAMPBELL, and Mr. SESSIONS):

S. 516. A bill to amend title 49, United States Code, to allow the arming of pilots of cargo aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BUNNING. Mr. President, I rise today with several of my senate colleagues to introduce the Arming Cargo Pilots Against Terrorism Act. This bill closes a loophole to better protect the homeland against terrorists.

As a result of the airplane hijackings on September 11, 2001, Congress took the appropriate action to prevent from ever happening again the use of an airliner as a missile and weapon of mass destruction and murder. Last year, large majorities of the Senate and House of Representatives voted to arm both cargo and passenger pilots who volunteered for a stringent training proram as part of the homeland security bill.

Arming these pilots served to protect the pilots and aircrew, passengers and those on the ground from ever being victims of another airline hijacking. It was the right thing to do. However, during conference of the homeland security bill the cargo pilots were yanked from the bill. This bill we introduce today will arm cargo pilots and close the loophole created when they were left out last year.

It is true that cargo airlines rarely have passengers, but that is no reason to disregard and ignore the safety of those cargo pilots and the aircrafts they control. Indeed, on occasions they do carry passengers, and sometimes they transport couriers and guards of some of the cargo being transported. Too many times these couriers and guards are armed while the pilots are unarmed. After September 11, that simply does not make sense.

As well, physical security around too many of our air cargo facilities and terminals is not up to the standard it should be. This lax in security has allowed stowaways a free pass in climbing aboard cargo airplanes for a free ride. Just a few months ago a woman in Fargo, ND, rushed onto a United Parcel Service plane trying to get to California. Fortunately she was caught. I guarantee that many have successfully sneaked onto cargo airplanes. And many more will continue to try. This is further evidence as to why we need to act to allow these cargo pilots to defend themselves and the cockpit.

Cargo pilots are not armed and they will never have Federal air marshals. Cargo planes do not have trained flight attendants or alert passengers to fend off hijackers. Cargo planes do not have reinforced cockpit doors, and some do not have any doors at all. Cargo areas of airports are not as secure as a passenger areas, and thousands of personnel have access to the aircraft. Finally, stowaways sometimes find their way aboard cargo aircraft. And in the future one might be a terrorist.

There are no logical reasons to exclude cargo pilots. Simply saying that since they carry no passengers unlike a passenger airliner is not a good enough reason. Cargo planes are just as big as—if not bigger than—passenger planes. They can carry larger loads of fuel and frequently carry hazardous materials, including chemicals and biological products. A cargo airplane causes just as much damage when used as a weapon as did the passenger planes hijacked on September 11.

We cannot allow what happened on September 11 to ever happen again. This loophole of excluding cargo pilots from being able to protect themselves and their aircraft and the public must be removed. This is the right thing to do, and I ask my Senate colleagues for their support.

I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Arming Cargo Pilots Against Terrorism Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) During the 107th Congress, both the Senate and the House of Representatives overwhelmingly passed measures that would have armed pilots of cargo aircraft.

(2) Cargo aircraft do not have Federal air marshals, trained cabin crew, or determined passengers to subdue terrorists.

(3) Cockpit doors on cargo aircraft, if present at all, largely do not meet the security standards required for commercial passenger aircraft.

(4) Cargo aircraft vary in size and many are larger and carry larger amounts of fuel than the aircraft hijacked on September 11, 2001.

(5) Aircraft cargo frequently contains hazardous material and can contain deadly biological and chemical agents and quantities of agents that cause communicable diseases.

(6) Approximately 12,000 of the nation's 90,000 commercial pilots serve as pilots and flight engineers on cargo aircraft.

(7) There are approximately 2,000 cargo flights per day in the United States, many of which are loaded with fuel for outbound international travel or are inbound from foreign airports not secured by the Transportation Security Administration.

(8) Aircraft transporting cargo pose a serious risk as potential terrorist targets that could be used as weapons of mass destruction.

(9) Pilots of cargo aircraft deserve the same ability to protect themselves and the

aircraft they pilot as other commercial airline pilots.

(10) Permitting pilots of cargo aircraft to carry firearms creates an important last line of defense against a terrorist effort to commandeer a cargo aircraft.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a member of a flight deck crew of a cargo aircraft should be armed with a firearm to defend the cargo aircraft against an attack by terrorists that could result in the use of the aircraft as a weapon of mass destruction or for other terrorist purposes.

SEC. 3. ARMING CARGO PILOTS AGAINST TERRORISM.

Section 44921 of title 49, United States Code, is amended—

(1) in subsection (a), by striking ''passenger'' each place that it appears; and

(2) in subsection (k)—

(A) in paragraph (2)—

(i) by striking ''or,'' and all that follows; and

(ii) by inserting ''or any other flight deck crew member.''; and

(B) by adding at the end the following new paragraph:

''(3) ALL-CARGO AIR TRANSPORTATION.—For the purposes of this section, the term air transportation includes all-cargo air transportation.''.

SEC. 4. IMPLEMENTATION.

(a) TIME FOR IMPLEMENTATION.—The training of pilots as Federal flight deck officers required in the amendments made by section 3 shall begin as soon as practicable and no later than 90 days after the date of enactment of this Act.

(b) EFFECT ON OTHER LAWS.—The requirements of subsection (a) shall have no effect on the deadlines for implementation contained in section 44921 of title 49, United States Code, as in effect on the day before the date of enactment of this Act.

By Ms. COLLINS (for herself, Mrs. MURRAY, Mr. BREAUX, and Mr. MILLER):

S. 518. A bill to increase the supply of pancreatic islet cells for research, to provide better coordinate of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. I am pleased to join my colleague from Washington, Senator PATTY MURRAY, as well as my colleague and co-chair of the Senate Diabetes Caucus, Senator JOHN BREAUX, in introducing the Pancreatic Islet Cell Transplantation Act of 2003, which will help to advance tremendously important research that holds the promise of a cure for the more than 1 million Americans with type 1 or juvenile diabetes.

As the founder and co-chair of the senate Diabetes Caucus, I have learned a great deal about this serious disease and the difficulties and heartbreak that it causes for so many Americans and their families as they await a cure. Diabetes is a devastating, life-long condition that affects people of every age, race, and nationality. It is the leading cause of kidney failure, blindness in adults, and amputations not related to injury. Moreover, a new study released by the American Diabetes Association last week estimates that diabetes cost the Nation $132 billion last year, and that health care spending for people with diabetes is almost double what it would be if they did not have diabetes.

The burden of diabetes is particularly heavy for children and young adults with type 1, or juvenile diabetes. Juvenile diabetes is the second most common chronic disease affecting children. Moreover, it is one that they never outgrow.

In individuals with juvenile diabetes, the body's immune system attacks the pancreas and destroys the islet cells that produce insulin. While the discovery of insulin was a landmark breakthrough in the treatment of people with diabetes, it is not a cure, and people with juvenile diabetes face the constant threat of developing devastating, life-threatening complications as well as a drastic reduction in their quality of life.

Thankfully, there is good news for people with diabetes. We have seen some tremendous breakthroughs in diabetes research in recent years, and I am convinced that diabetes is a disease that can be cured, and will be cured in the near future.

We were all encouraged by the development of the Edmonton Protocol, an experimental treatment developed at the University of Alberta involving the transplantation of insulin-producing pancreatic islet cells, which has been hailed as the most important advance in diabetes research since the discovery of insulin in 1921. Of the approximately 200 patients who have been treated using variations of the Edmonton Protocol, all have seen a reversal of their life-disabling hypoglycemia, and nearly 80 percent have maintained normal glucose levels without insulin shots for more than 1 year.

Moreover, the side effects associated with this treatment— which uses more islet cells and a less toxic combination of immunosuppressive drugs than previous, less successful protocols—have been mild and the therapy has been generally well tolerated by most patients.

Unfortunately, long-term use of toxic immunosuppressive drugs, has side effects that make the current treatment inappropriate for use in children. Researcher, however, are working hard to find a way to reduce the transplant recipient's dependence on these drugs so that the procedure will be appropriate for children in the future, and the protocol has been hailed around the world as a remarkable breakthrough and proof that islet transplantation can work. It appears to offer the most immediate chance to achieve a cure for type 1 diabetes, and the research is moving forward rapidly.

New sources of islet cells must be found, however, because, as the science advances and continues to demonstrate promise, the number of islet cell transplants that can be performed will be limited by a serious shortage of pancreases available for islet cell transplantation. There currently are only 2,000 pancreases donated annually, and, of these, only about 500 are available each year for islet cell transplants. Moreover, most patients require islet cells from two pancreases for the procedure to work effectively.

The legislation we are introducing today will increase the supply of pancreases available for these trials and research. Our legislation will direct the Centers for Medicare and Medicaid Services to grant credit to organ procurement organizations OPOs—for the purposes of their certification—for pancreases harvested and used for islet cell transplantation and research.

Currently, CMS collects performance data from each OPO based upon the number of organs procured for transplant relative to the population of the OPO's service area. While CMS considers a pancreas to have been procured for transplantation if it is used for a whole organ transplant, the OPO receives no credit towards its certification if the pancreas is procured and used for islet cell transplantation or research. Our legislation will therefore give the OPOs an incentive to step up their efforts to increase the supply of pancreases donated for this purpose.

In addition, the legislation establishes an inter-agency committee on islet cell transplantation comprised of representatives of all of the Federal agencies with an active role in supporting this research. The many advisory committees on organ transplantation that currently exist are so broad in scope that the issue of islet cell transplantation—while of great importance to the juvenile diabetes community—does not rise to the level of consideration when included with broader issues associated with organ donation, such as organ allocation policy and financial barriers to transplantation. We believe that a more focused effort in the area of islet cell transplantation is clearly warrented since the research is moving forward at such a rapid pace and with such remarkable results.

To help us collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy covered by insurance, our legislation directs the Institute of Medicine to conduct a study on the impact of islet cell transplantation on the health-related quality of life outcomes for individuals with juvenile diabetes, as well as the cost-effectiveness of the treatment.

Diabetes is the most common cause of kidney failure, accounting for 40 percent of new cases, and a significant percentage of individuals with type 1 diabetes will experience kidney failure and become Medicare-eligible before they are age 65. Medicare currently covers both kidney transplants and simultaneous pancreas-kidney transplants for these individuals. To help Medicare decide whether it should cover pancreatic islet cell transplants, our legislation authorizes a demonstration project to test the efficacy of simultaneous islet-kidney transplants

and islet transplants following a kidney transplant for individuals with type 1 diabetes who are eligible for Medicare because they have end stage renal disease ESRD.

Islet cell transplantation offers real hope for people with diabetes. Our legislation, which is strongly supported by the Juvenile Diabetes Research Foundation JDRF, addresses some of the specific obstacles to moving this research forward as rapidly as possible, and I urge all of my colleagues to join us as cosponsors.

By Mr. CAMPBELL:

S. 519. A bill to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am introducing the Native American Capital Formation and Economic Development Act of 2003.

Before the Europeans landed on these shores, Indian nations were vigorous and vital: tribal governments functioned well; tribal cultures and religions flourished; and tribal economies were strong.

Over time tribal institutions failed when the independence they had known were stifled by the Federal Government.

Since 1970, Indian self-determination has assisted the tribes in rebuilding their governments and resurrecting their economies.

The bill I am introducing today will foster real self-determination and create a Native-capitalized development assistance corporation.

If enacted, the tribes themselves will be the financiers and shareholders of the Native American Capital Development Corporation which will focus on mortgage lending and Indian home ownership; provide assistance to Native financial institutions; and work to create a secondary market in Indian mortgages.

The corporation will include the Native American Economies Diagnostic Studies Fund to partner with tribes to conduct diagnostic studies of their economies and identify the inhibitors to greater levels of private sector investment and job creation. Ultimately the corporation and the tribes will work to remove those inhibitors.

The corporation's Native American Economic Incubation Center Fund will work with participating tribes to channel development assistance to those tribes with a demonstrated commitment to sound economic and political policies; good governance; and practices that create increased levels of economic growth and job creation.

It is my expectation that there will be much debate generated by this legislation which I consider a good thing. I expect to hold hearings on this important legislation in the weeks ahead.

I urge my colleagues to join me in support of this important bill.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Capital Formation and Economic Development Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) there is a special legal and political relationship between the United States and the Indian tribes, as grounded in treaties, the Constitution, Federal statutes and court decisions, executive orders, and course of dealing;

(2) despite the availability of abundant natural resources on Indian land and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer rates of unemployment, poverty, poor health, substandard housing, and associated social ills to a greater degree than any other group in the United States;

(3) the economic success and material well-being of Native Americans depends on the combined efforts and resources of the United States, Indian tribal governments, the private sector, and individuals;

(4) the poor performance of moribund Indian economies is due in part to the near-complete absence of private capital and private capital institutions; and

(5) the goals of economic self-sufficiency and political self-determination for Native Americans can best be achieved by making available the resources and discipline of the private market, adequate capital, and technical expertise.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish an entity dedicated to capital development and economic growth policies in Native American communities;

(2) to provide the necessary resources of the United States, Native Americans, and the private sector on endemic problems such as fractionated and unproductive Indian land;

(3) to provide a center for economic development policy and analysis with particular emphasis on diagnosing the systemic weaknesses with, and inhibitors to greater levels of investment in, Native American economies;

(4) to establish a Native-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans; and

(5) to improve the material standard of living of Native Americans.

SEC. 4. DEFINITIONS.

In this Act:

(1) ALASKA NATIVE.—The term ''Alaska Native'' has the meaning given the term ''Native'' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(2) BOARD.—The term ''Board'' means the Board of Directors of the Corporation.

(3) CAPITAL DISTRIBUTION.—The term ''capital distribution'' has the meaning given the term in section 1303 of the Federal Housing Enterprise Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502).

(4) CHAIRPERSON.—The term ''Chairperson'' means the chairperson of the Board.

(5) CORPORATION.—The term ''Corporation'' means the Native American Capital Development Corporation established by section 101(a)(1)(A).

(6) COUNCIL.—The term ''Council'' means the Advisory Council established under section 106(a).

(7) DESIGNATED MERGER DATE.—The term ''designated merger date'' means the specific calendar date and time of day designated by the Board under this Act.

(8) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term ''Department of Hawaiian Home Lands'' means the agency that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

(9) FUND.—The term ''Fund'' means the Community Development Financial Institutions Fund established under section 104 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703).

(10) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) MERGER PLAN.—The term ''merger plan'' means the plan of merger adopted by the Board under this Act.

(12) NATIVE AMERICAN.—The term ''Native American'' means—

(A) a member of an Indian tribe; or

(B) a Native Hawaiian.

(13) NATIVE AMERICAN FINANCIAL INSTITUTION.—The term ''Native American financial institution'' means a person (other than an individual) that—

(A) qualifies as a community development financial institution under section 103 of the

Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702);

(B) satisfies—

(i) requirements established by subtitle A of title I of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.); and

(ii) requirements applicable to persons seeking assistance from the Fund;

(C) demonstrates a special interest and expertise in serving the primary economic development and mortgage lending needs of the Native American community; and

(D) demonstrates that the person has the endorsement of the Native American community that the person intends to serve.

(14) NATIVE AMERICAN LENDER.—The term ''Native American lender'' means a Native American governing body, Native American housing authority, or other Native American financial institution that acts as a primary mortgage or economic development lender in a Native American community.

(15) NATIVE HAWAIIAN.—The term ''Native Hawaiian'' has the meaning given the term in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108).

(16) NEW CORPORATION.—The term ''new corporation'' means the corporation formed in accordance with title IV.

(17) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(18) TOTAL CAPITAL.—The term ''total capital'' has the meaning given the term in section 1303 of the Federal Housing Enterprise Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502).

(19) TRANSITION PERIOD.—The term ''transition period'' means the period beginning on the date on which the merger plan is approved by the Secretary and ending on the designated merger date.

TITLE I—NATIVE AMERICAN CAPITAL DEVELOPMENT CORPORATION

SEC. 101. ESTABLISHMENT OF THE CORPORATION.

(a) ESTABLISHMENT; BOARD OF DIRECTORS; POLICIES; PRINCIPAL OFFICE; MEMBERSHIP; VACANCIES.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established and chartered a corporation, to be known as the ''Native American Capital Development Corporation''.

(B) PERIOD OF TIME.—The Corporation shall be a congressionally chartered body corporate until the earlier of—

(i) the designated merger date; or

(ii) the date on which the charter is surrendered by the Corporation.

(C) CHANGES TO CHARTER.—The right to revise, amend, or modify the Corporation charter is specifically and exclusively reserved to Congress.

(2) BOARD OF DIRECTORS; PRINCIPAL OFFICE.—

(A) BOARD.—The powers of the Corporation shall be vested in a Board of Directors, which Board shall determine the policies that govern the operations and management of the Corporation.

(B) PRINCIPAL OFFICE; RESIDENCY.—

(i) PRINCIPAL OFFICE.—The principal office of the Corporation shall be in the District of Columbia.

(ii) VENUE.—For purposes of venue, the Corporation shall be considered to be a resident of the District of Columbia.

(3) MEMBERSHIP.—

(A) IN GENERAL.—

(i) NINE MEMBERS.—Except as provided in clause (ii), the Board shall consist of 9 members, of which—

(I) 3 members shall be appointed by the President; and

(II) 6 members shall be elected by the class A stockholders, in accordance with the bylaws of the Corporation.

(ii) THIRTEEN MEMBERS.—If class B stock is issued under section 201(b), the Board shall consist of 13 members, of which—

(I) 9 members shall be appointed and elected in accordance with clause (i); and

(II) 4 members shall be elected by the class B stockholders, in accordance with the bylaws of the Corporation.

(B) TERMS.—Each member of the Board shall be elected or appointed for a 4-year term, except that the members of the initial Board shall be elected or appointed for the following terms:

(i) Of the 3 members appointed by the President—

(I) 1 member shall be appointed for a 2-year term;

(II) 1 member shall be appointed for a 3-year term; and

(III) 1 member shall be appointed for a 4-year term;

as designated by the President at the time of the appointments.

(ii) Of the 6 members elected by the class A stockholders—

(I) 2 members shall each be elected for a 2-year term;

(II) 2 members shall each be elected for a 3-year term; and

(III) 2 members shall each be elected for a 4-year term.

(iii) If class B stock is issued and 4 additional members are elected by the class B stockholders—

(I) 1 member shall be elected for a 2-year term;

(II) 1 member shall be elected for a 3-year term; and

(III) 2 members shall each be elected for a 4-year term.

(C) QUALIFICATIONS.—Each member appointed by the President shall have expertise in 1 or more of the following areas:

(i) Native American housing and economic development matters.

(ii) Financing in Native American communities.

(iii) Native American governing bodies, legal infrastructure, and judicial systems.

(iv) Restricted and trust land issues, economic development, and small consumer loans.

(D) MEMBERS OF INDIAN TRIBES.—Not less than 2 of the members appointed by the President shall be members of different, federally-recognized Indian tribes enrolled in accordance with the applicable requirements of the Indian tribes.

(E) CHAIRPERSON.—The Board shall select a Chairperson from among the members of the Board, except that the initial Chairperson shall be selected from among the members of the initial Board who have been appointed or elected to serve for a 4-year term.

(F) VACANCIES.—

(i) APPOINTED MEMBERS.—Any vacancy in the appointed membership of the Board shall be filled by appointment by the President, but only for the unexpired portion of the term.

(ii) ELECTED MEMBERS.—Any vacancy in the elected membership of the Board shall be filled by appointment by the Board, but only for the unexpired portion of the term.

(G) TRANSITIONS.—Any member of the Board may continue to serve after the expiration of the term for which the member was appointed or elected until a qualified successor has been appointed or elected.

(b) POWERS OF THE CORPORATION.—The Corporation—

(1) shall adopt bylaws, consistent with this Act, regulating, among other things, the manner in which—

(A) the business of the Corporation shall be conducted;

(B) the elected members of the Board shall be elected;

(C) the stock of the Corporation shall be issued, held, and disposed of;

(D) the property of the Corporation shall be disposed of; and

(E) the powers and privileges granted to the Corporation by this Act and other law shall be exercised;

(2) may make and execute contracts, agreements, and commitments, including entering into a cooperative agreement with the Secretary;

(3) may prescribe and impose fees and charges for services provided by the Corporation;

(4) may, if a settlement, adjustment, compromise, release, or waiver of a claim, demand, or right of, by, or against the Corporation, is not adverse to the interests of the United States—

(A) settle, adjust, and compromise on the claim, demand, or right; and

(B) with or without consideration or benefit to the Corporation, release or waive, in whole or in part, in advance or otherwise, the claim, demand, or right;

(5) may sue and be sued, complain and defend, in any Federal, State, tribal, or other court;

(6) may acquire, take, hold, and own, manage, and dispose of any property;

(7) may—

(A) determine the necessary expenditures of the Corporation and the manner in which those expenditures shall be incurred, allowed, and paid; and

(B) appoint, employ, and fix and provide for the compensation and benefits of such officers, employees, attorneys, and agents as the Board determines reasonable and not inconsistent with this section;

(8) may incorporate a new corporation under State, District of Columbia, or tribal law, as provided in this Act;

(9) may adopt a plan of merger, as provided in this Act;

(10) may consummate the merger of the Corporation into the new corporation, as provided in this Act; and

(11) may have succession until the designated merger date or any earlier date on which the Corporation surrenders the Federal charter of the Corporation.

(c) INVESTMENT OF FUNDS; DESIGNATION AS DEPOSITARY, CUSTODIAN, OR AGENT.—

(1) INVESTMENT OF FUNDS.—Funds of the Corporation that are not required to meet current operating expenses shall be invested in—

(A) obligations of, or obligations guaranteed by, the United States (or any agency of the United States); or

(B) in obligations, participations, or other instruments that are lawful investments for fiduciary, trust, or public funds.

(2) DESIGNATION AS DEPOSITARY, CUSTODIAN, OR AGENT.—Any Federal Reserve bank or Federal home loan bank, or any bank as to which at the time of its designation by the Corporation there is outstanding a designation by the Secretary of the Treasury as a general or other depositary of public money, may—

(A) be designated by the Corporation as a depositary or custodian or as a fiscal or other agent of the Corporation; and

(B) act as such a depositary, custodian, or agent.

(d) ACTIONS BY AND AGAINST THE CORPORATION.—Notwithstanding section 1349 of title 28, United States Code, or any other provision of law—

(1) the Corporation shall be deemed to be an agency covered under sections 1345 and 1442 of title 28, United States Code;

(2) any civil action to which the Corporation is a party shall be deemed to arise under the laws of the United States, and the appropriate district court of the United States shall have original jurisdiction over any such action, without regard to amount or value; and

(3) in any case in which all remedies have been exhausted in accordance with the applicable ordinances of an Indian tribe, in any civil or other action, case, or controversy in a tribal court, State court, or in any court other than a district court of the United States, to which the Corporation is a party, may at any time before the commencement of the civil action be removed by the Corporation, without the giving of any bond or security and by following any procedure for removal of causes in effect at the time of the removal—

(A) to the district court of the United States for the district and division in which the action is pending; or

(B) if there is no such district court, to the United States District Court for the District of Columbia.

SEC. 102. AUTHORIZED ASSISTANCE AND SERVICE FUNCTIONS.

The Corporation may—

(1) assist in the planning, establishment, and organization of Native American financial institutions;

(2) develop and provide financial expertise and technical assistance to Native American financial institutions, including methods of underwriting, securing, servicing, packaging, and selling mortgage and small commercial and consumer loans;

(3) develop and provide specialized technical assistance on overcoming barriers to primary mortgage lending on Native American land, including issues relating to—

(A) trust land;

(B) discrimination;

(C) high operating costs; and

(D) inapplicability of standard underwriting criteria;

(4) provide mortgage underwriting assistance (but not in originating loans) under contract to Native American financial institutions;

(5) work with the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and other participants in the secondary market for home mortgage instruments in identifying and eliminating barriers to the purchase of Native American mortgage loans originated by Native American financial institutions and other lenders in Native American communities;

(6) obtain capital investments in the Corporation from Indian tribes, Native American organizations, and other entities;

(7) act as an information clearinghouse by providing information on financial practices to Native American financial institutions;

(8) monitor and report to Congress on the performance of Native American financial institutions in meeting the economic development and housing credit needs of Native Americans; and

(9) provide any of the services described in this section—

(A) directly; or

(B) under a contract authorizing another national or regional Native American financial services provider to assist the Corporation in carrying out the purposes of this Act.

SEC. 103. NATIVE AMERICAN LENDING SERVICES GRANT.

(a) INITIAL GRANT PAYMENT.—If the Secretary and the Corporation enter into a cooperative agreement for the Corporation to provide technical assistance and other services to Native American financial institutions, the agreement shall, to the extent that funds are available as provided in this Act, provide that the initial grant payment, anticipated to be $5,000,000, shall be made at the time at which all members of the initial Board have been appointed under this Act.

(b) PAYMENT OF GRANT BALANCE.—The payment of the remainder of the grant shall be made to the Corporation not later than 1 year after the date on which the initial grant payment is made under subsection (a).

SEC. 104. AUDITS.

(a) INDEPENDENT AUDITS.—

(1) IN GENERAL.—The Corporation shall have an annual independent audit made of the financial statements of the Corporation by an independent public accountant in accordance with generally accepted auditing standards.

(2) DETERMINATIONS.—In conducting an audit under this subsection, the independent public accountant shall determine and submit to the Secretary a report on whether the financial statements of the Corporation—

(A) are presented fairly in accordance with generally accepted accounting principles; and

(B) to the extent determined necessary by the Secretary, comply with any disclosure requirements imposed under section 301.

(b) GAO AUDITS.—

(1) IN GENERAL.—Beginning on the date that is 2 years after the date of commencement of operation of the Corporation, unless an earlier date is required by any other law, grant, or agreement, the programs, activities, receipts, expenditures, and financial transactions of the Corporation shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General.

(2) ACCESS.—To carry out this subsection, the representatives of the General Accounting Office shall—

(A) have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation that are necessary to facilitate the audit;

(B) be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians; and

(C) have access, on request to the Corporation or any auditor for an audit of the Corporation under subsection (a), to any books, accounts, financial records, reports, files, or other papers, or property belonging to or in use by the Corporation and used in any such audit and to any papers, records, files, and reports of the auditor used in such an audit.

(3) REPORTS.—The Comptroller General of the United States shall submit to Congress a report on each audit conducted under this subsection.

(4) REIMBURSEMENT.—The Corporation shall reimburse the General Accounting Office for the full cost of any audit conducted under this subsection.

SEC. 105. ANNUAL HOUSING AND ECONOMIC DEVELOPMENT REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Corporation shall collect, maintain, and provide to the Secretary, in a form determined by the Secretary, such data as the Secretary determines to be appropriate with respect to the activities of the Corporation relating to economic development.

SEC. 106. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Board shall establish an Advisory Council in accordance with this section.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of 13 members, who shall be appointed by the Board, including—

(A) 1 representative from each of the 12 districts established by the Bureau of Indian Affairs; and

(B) 1 representative from the State of Hawaii.

(2) QUALIFICATIONS.—Of the members of the Council—

(A) not less than 6 members shall have expertise in financial matters; and

(B) not less than 9 members shall be Native Americans.

(3) TERMS.—Each member of the Council shall be appointed for a 4-year term, except that the initial Council shall be appointed, as designated by the Board at the time of appointment, as follows:

(A) Each of 4 members shall be appointed for a 2-year term.

(B) Each of 4 members shall be appointed for a 3-year term.

(C) Each of 5 members shall be appointed for a 4-year term.

(c) DUTIES.—The Council shall—

(1) advise the Board on all policy matters of the Corporation; and

(2) through the regional representation of members of the Council, provide information to the Board from all sectors of the Native American community.

TITLE II—CAPITALIZATION OF CORPORATION

SEC. 201. CAPITALIZATION OF THE CORPORATION.

(a) CLASS A STOCK.—The class A stock of the Corporation shall—

(1) be issued only to Indian tribes and the Department of Hawaiian Home Lands;

(2) be allocated—

(A) with respect to Indian tribes, on the basis of Indian tribe population, as determined by the Secretary in consultation with the Secretary of the Interior, in such manner as to issue 1 share for each member of an Indian tribe; and

(B) with respect to the Department of Hawaiian Home Lands, on the basis of the number of current leases at the time of allocation;

(3) have such par value and other characteristics as the Corporation shall provide;

(4) be issued in such a manner as to ensure that voting rights may be vested only on purchase of those rights from the Corporation by an Indian tribe or the Department of Hawaiian Home Lands, with each share being entitled to 1 vote; and

(5) be nontransferable.

(b) CLASS B STOCK.—

(1) IN GENERAL.—The Corporation may issue class B stock evidencing capital contributions in the manner and amount, and subject to any limitations on concentration of ownership, as may be established by the Corporation.

(2) CHARACTERISTICS.—Any class B stock issued under paragraph (1) shall—

(A) be available for purchase by investors;

(B) be entitled to such dividends as may be declared by the Board in accordance with subsection (c);

(C) have such par value and other characteristics as the Corporation shall provide;

(D) be vested with voting rights, with each share being entitled to 1 vote; and

(E) be transferable only on the books of the Corporation.

(c) CHARGES AND FEES; EARNINGS.—

(1) CHARGES AND FEES.—The Corporation may impose charges or fees, which may be regarded as elements of pricing, with the objectives that—

(A) all costs and expenses of the operations of the Corporation should be within the income of the Corporation derived from such operations; and

(B) those operations would be fully self-supporting.

(2) EARNINGS.—

(A) IN GENERAL.—All earnings from the operations of the Corporation shall be annually transferred to the general surplus account of the Corporation.

(B) TRANSFER OF GENERAL SURPLUS FUNDS.—At any time, funds in the general surplus account may, in the discretion of the Board, be transferred to the reserves of the Corporation.

(d) CAPITAL DISTRIBUTIONS.—

(1) DISTRIBUTIONS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the Corporation may make such capital distributions as may be declared by the Board.

(B) CHARGING OF DISTRIBUTIONS.—All capital distributions under subparagraph (A) shall be charged against the general surplus account of the Corporation.

(2) RESTRICTION.—The Corporation may not make any capital distribution that would decrease the total capital of the Corporation to an amount less than the capital level for the Corporation established under section 301, without prior written approval of the distribution by the Secretary.

TITLE III—REGULATION, EXAMINATION, AND REPORTS

SEC. 301. REGULATION, EXAMINATION, AND REPORTS.

(a) IN GENERAL.—The Corporation shall be subject to the regulatory authority of the Department of Housing and Urban Development with respect to all matters relating to the financial safety and soundness of the Corporation.

(b) DUTY OF SECRETARY.—The Secretary shall ensure that the Corporation is adequately capitalized and operating safely as a congressionally chartered body corporate.

(c) REPORTS TO SECRETARY.—

(1) ANNUAL REPORTS.—On such date as the Secretary shall require, but not later than 1 year after the date of enactment of this Act, and annually thereafter, the Corporation shall submit to the Secretary a report in such form and containing such information with respect to the financial condition and operations of the Corporation as the Secretary shall require.

(2) CONTENTS OF REPORTS.—Each report submitted under this subsection shall contain a declaration by the president, vice president, treasurer, or any other officer of the Corporation designated by the Board to make the declaration, that the report is true and correct to the best of the knowledge and belief of that officer.

SEC. 302. AUTHORITY OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

The Secretary shall—

(1) have general regulatory power over the Corporation; and

(2) promulgate such rules and regulations applicable to the Corporation as the Secretary determines to be appropriate to ensure that the purposes specified in section 3 are accomplished.

TITLE IV—FORMATION OF NEW CORPORATION

SEC. 401. FORMATION OF NEW CORPORATION.

(a) IN GENERAL.—In order to continue the accomplishment of the purposes specified in section 3 beyond the terms of the charter of the Corporation, the Board shall, not later than 10 years after the date of enactment of this Act, cause the formation of a new corporation under the laws of any tribe, any State, or the District of Columbia.

(b) POWERS OF NEW CORPORATION NOT PRESCRIBED.—Except as provided in this section, the new corporation may have such corporate powers and attributes permitted under the laws of the jurisdiction of in which the new corporation is incorporated as the Board determines to be appropriate.

(c) USE OF NAME PROHIBITED.—The new corporation may not use in any manner the names ''Native American Capital Development Corporation'' or ''NACDCO'', or any variation of those names.

SEC. 402. ADOPTION AND APPROVAL OF MERGER PLAN.

(a) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, after consultation with the Indian tribes that are stockholders of class A stock referred to in section 201(a), the Board shall prepare, adopt, and submit to the Secretary for approval, a plan for merging the Corporation into the new corporation.

(b) DESIGNATED MERGER DATE.—

(1) IN GENERAL.—The Board shall establish the designated merger date in the merger plan as a specific calendar date on which, and time of day at which, the merger of the Corporation into the new corporation shall take effect.

(2) CHANGES.—The Board may change the designated merger date in the merger plan by adopting an amended plan of merger.

(3) RESTRICTION.—Except as provided in paragraph (4), the designated merger date in the merger plan or any amended merger plan shall not be later than 11 years after the date of enactment of this Act.

(4) EXCEPTION.—Subject to the restriction contained in paragraph (5), the Board may adopt an amended plan of merger that designates a date under paragraph (3) that is later than 11 years after the date of enactment of this Act if the Board submits to the Secretary a report—

(A) stating that an orderly merger of the Corporation into the new corporation is not feasible before the latest date designated by the Board;

(B) explaining why an orderly merger of the Corporation into the new corporation is not feasible before the latest date designated by the Board;

(C) describing the steps that have been taken to consummate an orderly merger of the Corporation into the new corporation not later than 11 years after the date of enactment of this Act; and

(D) describing the steps that will be taken to consummate an orderly and timely merger of the Corporation into the new corporation.

(5) LIMITATION.—The date designated by the Board in an amended merger plan shall not be later than 12 years after the date of enactment of this Act.

(6) CONSUMMATION OF MERGER.—The consummation of an orderly and timely merger of the Corporation into the new corporation shall not occur later than 13 years after the date of enactment of this Act.

(c) GOVERNMENTAL APPROVALS OF MERGER PLAN REQUIRED.—The merger plan or any amended merger plan shall take effect on the date on which the plan is approved by the Secretary.

(d) REVISION OF DISAPPROVED MERGER PLAN REQUIRED.—If the Secretary disapproves the merger plan or any amended merger plan—

(1) the Secretary shall—

(A) notify the Corporation of the disapproval; and

(B) indicate the reasons for the disapproval; and

(2) not later than 30 days after the date of notification of disapproval under paragraph (1), the Corporation shall submit to the Secretary for approval, an amended merger plan that responds to the reasons for the disapproval indicated in that notification.

(e) NO STOCKHOLDER APPROVAL OF MERGER PLAN REQUIRED.—The approval or consent of the stockholders of the Corporation shall not be required to accomplish the merger of the Corporation into the new corporation.

SEC. 403. CONSUMMATION OF MERGER.

The Board shall ensure that the merger of the Corporation into the new corporation is accomplished in accordance with—

(1) a merger plan approved by the Secretary under section 402; and

(2) all applicable laws of the jurisdiction in which the new corporation is incorporated.

SEC. 404. TRANSITION.

Except as provided in this section, the Corporation shall, during the transition period, continue to have all of the rights, privileges, duties, and obligations, and shall be subject to all of the limitations and restrictions, set forth in this Act.

SEC. 405. EFFECT OF MERGER.

(a) TRANSFER OF ASSETS AND LIABILITIES.—On the designated merger date—

(1) all real, personal, and mixed property, all debts due on any account, and any other interest, of or belonging to or due to the Corporation, shall be transferred to and vested in the new corporation without further act or deed; and

(2) no title to any real, personal, or mixed property shall be impaired in any way by reason of the merger.

(b) TERMINATION OF THE CORPORATION AND FEDERAL CHARTER.—On the designated merger date—

(1) the surviving corporation of the merger shall be the new corporation;

(2) the Federal charter of the Corporation shall terminate; and

(3) the separate existence of the Corporation shall terminate.

(c) REFERENCES TO THE CORPORATION IN LAW.—After the designated merger date, any reference to the Corporation in any law or regulation shall be deemed to refer to the new corporation.

(d) SAVINGS CLAUSE.—

(1) PROCEEDINGS.—The merger of the Corporation into the new corporation shall not abate any proceeding commenced by or against the Corporation before the designated merger date, except that the new corporation shall be substituted for the Corporation as a party to any such proceeding as of the designated merger date.

(2) CONTRACTS AND AGREEMENTS.—All contracts and agreements to which the Corporation is a party and which are in effect on the day before the designated merger date shall continue in effect according to their terms, except that the new corporation shall be substituted for the Corporation as a party to those contracts and agreements as of the designated merger date.

TITLE V—OTHER NATIVE AMERICAN FUNDS

SEC. 501. NATIVE AMERICAN ECONOMIES DIAGNOSTIC STUDIES FUND.

(a) ESTABLISHMENT.—There is established within the Corporation a fund to be known as the ''Native American Economies Diagnostic Studies Fund'' (referred to in this section as the ''Diagnostic Fund''), to be used to strengthen Indian tribal economies by supporting investment policy reforms and technical assistance to eligible Indian tribes, consisting of—

(1) any interest earned on investment of amounts in the Fund under subsection (d); and

(2) such amounts as are appropriated to the Diagnostic Fund under subsection (f).

(b) USE OF AMOUNTS FROM DIAGNOSTIC FUND.—

(1) IN GENERAL.—The Corporation shall use amounts in the Diagnostic Fund to establish an interdisciplinary mechanism by which the Corporation and interested Indian tribes may jointly—

(A) conduct diagnostic studies of Native economic conditions; and

(B) provide recommendations for reforms in the policy, legal, regulatory, and investment areas and general economic environment of the interested Indian tribes.

(2) CONDITIONS FOR STUDIES.—A diagnostic study conducted jointly by the Corporation and an Indian tribe under paragraph (1)—

(A) shall be conducted in accordance with an agreement between the Corporation and the Indian tribe; and

(B) at a minimum, shall identify inhibitors to greater levels of private sector investment and job creation with respect to the Indian tribe.

(c) EXPENDITURES FROM DIAGNOSTIC FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Corporation, the Secretary of the Treasury shall transfer from the Diagnostic Fund to the Corporation such amounts as the Corporation determines are necessary to carry out this section.

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 12 percent of the amounts in the Diagnostic Fund shall be available in each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Diagnostic Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Diagnostic Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Diagnostic Fund shall be credited to and form a part of the Diagnostic Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Diagnostic Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Diagnostic Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TRANSFERS TO DIAGNOSTIC FUND.—There are appropriated to the Diagnostic Fund, out of funds made available under section 603, such sums as are necessary to carry out this section.

SEC. 502. NATIVE AMERICAN ECONOMIC INCUBATION CENTER FUND.

(a) ESTABLISHMENT.—There is established within the Corporation a fund to be known as the ''Native American Economic Incubation Center Fund'' (referred to in this section as the ''Economic Fund''), consisting of—

(1) any interest earned on investment of amounts in the Economic Fund under subsection (d); and

(2) such amounts as are appropriated to the Economic Fund under subsection (f).

(b) USE OF AMOUNTS FROM ECONOMIC FUND.—

(1) IN GENERAL.—The Corporation shall use amounts in the Economic Fund to ensure that Federal development assistance and other resources dedicated to Native American economic development are provided only to Native American communities with demonstrated commitments to—

(A) sound economic and political policies;

(B) good governance; and

(C) practices that promote increased levels of economic growth and job creation.

(c) EXPENDITURES FROM ECONOMIC FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Corporation, the Secretary of the Treasury shall transfer from the Economic Fund to the Corporation such amounts as the Corporation determines are necessary to carry out this section.

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 12 percent of the amounts in the Economic Fund shall be available in each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Economic Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Economic Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Economic Fund shall be credited to and form a part of the Economic Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Economic Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Economic Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TRANSFERS TO ECONOMIC FUND.—There are appropriated to the Economic Fund, out of funds made available under section 603, such sums as are necessary to carry out this section.

TITLE VI—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 601. NATIVE AMERICAN FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Fund, without fiscal year limitation, such sums as are necessary to provide financial assistance to Native American financial institutions.

(b) NO CONSIDERATION AS MATCHING FUNDS.—To the extent that a Native American financial institution receives funds under subsection (a), the funds shall not be considered to be matching funds required under section 108(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4707(e)).

SEC. 602. CORPORATION.

There are authorized to be appropriated to the Secretary, for transfer to the Corporation, such sums as are necessary to carry out activities of the Corporation.

SEC. 603. OTHER NATIVE AMERICAN FUNDS.

There are authorized to be appropriated such sums as are necessary to carry out sections 501 and 502.

By Mr. CAMPBELL:

S. 521. A bill to amend the Act of August 9, 1955, to extend the terms of leases of certain restricted Indian land, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Indian Land Leasing Act of 2003 to make routine changes to title 25 of the United States Code and to assist economic activity on Indian lands by liberalizing the Indian land leasing process.

Federal law requires tribal landowners to seek the approval of the Secretary of the Interior to lease their lands and further restricts the lease term to a period of 25 years.

This legal framework is an obstacle in the path of the tribes and their members, and year after year Indian tribes are forced to seek the Committee on Indian Affairs' assistance in extending the lease term to 99 years.

Over the years not fewer than 38 tribes have come to Congress and secured 99-year lease authority.

At the tribes' request, this bill will extend 99-year lease authority to the Confederated Tribes of the Umatilla Reservation, the Yavapai-Prescott Tribe, the Yurok Tribe, and the Hopland Band of Pomo Indians to the long list of tribes that have already secured similar extensions.

The bill also provides 99-year lease authority for tribes that wish to do so without the prior approval of the Secretary.

I urge my colleagues to join me in supporting this modest but important legislation.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Land Leasing Act of 2003''.

SEC. 2. AUTHORIZATION OF 99-YEAR LEASES.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amended in the second sentence—

(1) by inserting ''the reservation of the Confederated Tribes of the Umatilla Indian Reservation,'' before ''the Burns Paiute Reservation,'';

(2) by inserting ''the'' before ''Yavapai-Prescott'';

(3) by striking ''Washington,,'' and inserting ''Washington,''; and

(4) by inserting ''land held in trust for the Yurok Tribe, land held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria,'' after ''Pueblo of Santa Clara,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any lease entered into or renewed after the date of enactment of this Act.

SEC. 3. LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended by adding at the end the following:

''(g) LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.—

''(1) IN GENERAL.—Notwithstanding subsection (a) and any regulations under part 162 of title 25, Code of Federal Regulations (or any successor regulation), subject to paragraph (2), the Assiniboine and Sioux Tribes of the Fort Peck Reservation may lease to the Northern Border Pipeline Company tribally-owned land on the Fort Peck Indian Reservation for 1 or more interstate gas pipelines.

''(2) CONDITIONS.—A lease entered into under paragraph (1)—

''(A) shall commence during fiscal year 2011 for an initial term of 25 years;

''(B) may be renewed for an additional term of 25 years; and

''(C) shall specify in the terms of the lease an annual rental rate—

''(i) which rate shall be increased by 3 percent per year on a cumulative basis for each 5-year period; and

''(ii) the adjustment of which in accordance with clause (i) shall be considered to satisfy any review requirement under part 162 of title 25, Code of Federal Regulations (or a successor regulation).''.

SEC. 4. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under section 1 of Public Law 91–229 (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

SEC. 5. MONTANA INDIAN TRIBES; AGREEMENT WITH DRY PRAIRIE RURAL WATER ASSOCIATION, INCORPORATED.

(a) IN GENERAL.—The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation (referred to in this section as the ''Tribes'') may, with the approval of the Secretary of the Interior, enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact (Montana Code Annotated 85–20–201) for the purpose of meeting the water needs of the Dry Prairie Rural Water Association, Incorporated (or any successor entity), in accordance with section 5 of the Fort Peck Reservation Rural Water System Act of 2000 (114 Stat. 1454).

(b) CONDITIONS OF LEASE.—With respect to a lease or other temporary conveyance described in subsection (a)—

(1) the term of the lease or conveyance shall not exceed 100 years; and

(2)(A) the lease or conveyance may be approved by the Secretary of the Interior without monetary compensation to the Tribes; and

(B) the Secretary of the Interior shall not be subject to liability for any claim or cause of action relating to the compensation or consideration received by the Tribes under the lease or conveyance.

(c) NO PERMANENT ALIENATION OF WATER.—Nothing in this section authorizes any permanent alienation of any water by the Tribes.

SEC. 6. LEASES OF RESTRICTED INDIAN LAND; NON-INDIAN BUSINESS PARTNERS ON INDIAN LAND.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amended by adding at the end the following: ''Notwithstanding any other provision of law, no Indian tribe shall be required to obtain the approval of the Secretary to enter into a lease of restricted Indian land (not including any lease for exploration, development, or extraction of any mineral resource) under this subsection for a term that does not exceed 99 years if the Indian tribe provides written notice in original leasing documents that the Indian tribe has the unilateral right to terminate the lease in any case in which the Indian tribe does not waive sovereign immunity from any civil action brought by a party to the lease for just compensation as a result of such a termination. Any person that is a party to a lease described in the preceding sentence may bring a civil action to enforce the lease.''.

By Mr. CAMPBELL (for himself and Mr. DOMENICI):

S. 522. A bill to amend the Energy Policy Act of 1992 to assist Indian tribes in developing energy resources, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Native American Energy Development and Self-Determination Act of 2003.

Our Nation is about to be embroiled in war in the Middle East and the markets are anxious about the military action. As a result, world oil prices are soaring and now are nearly $40 per barrel.

The economic repercussions to everyday Americans of high oil prices cannot be overlooked. Industries reliant on cheap energy will contract and people will lose their jobs.

The single working mom who commutes and delivers her child to daycare will be paying much higher prices at the pump. Shoes for her kids and payments into the college fund will have to wait.

The family-owned construction firm will be forced to let people go. Families will be disrupted.

One obvious answer to our energy future is in more vigorous domestic production.

For far too long Indian-owned energy resources have been overlooked and untapped.

There are nearly 90 tribes that own significant energy resources—both renewable and nonrenewable—and with rare exception these tribes want to develop them.

The Interior Department estimates that 25 percent of oil and less than 20 percent of natural gas reserves on Indian land have been developed.

The bill I am introducing will provide financial assistance, technical expertise, and regulatory relief to the tribes in their efforts to manage and market their resources.

I urge my colleagues to join me in supporting this bill.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Energy Development and Self-Determination Act of 2003''.

SEC. 2. INDIAN ENERGY.

(a) IN GENERAL.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended to read as follows:

''TITLE XXVI—INDIAN ENERGY

''SEC. 2601. FINDINGS; PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) the energy resources of Indians and Indian tribes are among the most valuable natural resources of Indians and Indian tribes;

''(2) there exists a special legal and political relationship between the United States and Indian tribes as expressed in treaties, the Constitution, Federal statutes, court decisions, executive orders, and course of dealing;

''(3) Indian land comprises approximately 5 percent of the land area of the United States, but contains an estimated 10 percent of all energy reserves in the United States, including—

''(A) 30 percent of known coal deposits located in the western portion of the United States;

''(B) 5 percent of known onshore oil deposits of the United States; and

''(C) 10 percent of known onshore natural gas deposits of the United States;

''(4) coal, oil, natural gas, and other energy minerals produced from Indian land represent more than 10 percent of total nationwide onshore production of energy minerals;

''(5) in 2000, 9,300,000 barrels of oil, 299,000,000,000 cubic feet of natural gas, and 21,400,000 tons of coal were produced from Indian land, representing $700,000,000 in Indian energy revenue;

''(6) the Department of the Interior estimates that only 25 percent of the oil and less than 20 percent of all natural gas reserves on Indian land have been developed;

''(7) the Department of Energy estimates that the wind resources of the Great Plains could meet 75 percent of the electricity demand in the contiguous 48 States;

''(8) the development of Indian energy resources would assist—

''(A) Indian communities in carrying out community development efforts; and

''(B) the United States in securing a greater degree of independence from foreign sources of energy; and

''(9) the United States, in accordance with Federal Indian self-determination laws and policies, should assist Indian tribes and individual Indians in developing Indian energy resources.

''(b) PURPOSES.—The purposes of this title are—

''(1) to assist Indian tribes and individual Indians in the development of Indian energy resources; and

''(2) to further the goal of Indian self-determination, particularly through the development of stronger tribal governments and greater degrees of tribal economic self-sufficiency.

''SEC. 2602. DEFINITIONS.

''In this title:

''(1) COMMISSION.—The term 'Commission' means the Indian Energy Resource Commission established by section 2606(a).

''(2) DIRECTOR—The term 'Director' means the Director of the Office of Indian Energy Policy and Programs.

''(3) INDIAN.—The term 'Indian' means an individual member of an Indian tribe who owns land or an interest in land, the title to which land—

''(A) is held in trust by the United States; or

''(B) is subject to a restriction against alienation imposed by the United States.

''(4) INDIAN LAND.—The term 'Indian land' means—

''(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria;

''(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

''(i) in trust by the United States for the benefit of an Indian tribe;

''(ii) by an Indian tribe, subject to restriction by the United States against alienation; or

''(iii) by a dependent Indian community; and

''(C) land conveyed to a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

''(5) INDIAN RESERVATION.—The term 'Indian reservation' includes—

''(A) an Indian reservation in existence as of the date of enactment of this paragraph;

''(B) a public domain Indian allotment;

''(C) a former reservation in the State of Oklahoma;

''(D) a parcel of land owned by a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

''(E) a dependent Indian community located within the borders of the United States, regardless of whether the community is located—

''(i) on original or acquired territory of the community; or

''(ii) within or outside the boundaries of any particular State.

''(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(7) NATIVE CORPORATION.—The term 'Native Corporation' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(8) PROGRAM.—The term 'Program' means the Indian energy resource development program established under section 2603(a).

''(9) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(10) TRIBAL CONSORTIUM.—The term 'tribal consortium' means an organization that consists of at least 3 entities, 1 of which is an Indian tribe.

''(11) VERTICAL INTEGRATION OF ENERGY RESOURCES.—The term 'vertical integration of energy resources' means—

''(A) the discovery and development of renewable and nonrenewable energy resources;

''(B) electricity transmission; and

''(C) any other activity that is carried out to achieve the purposes of this title, as determined by the Secretary.

''SEC. 2603. INDIAN ENERGY RESOURCE DEVELOPMENT PROGRAM.

''(a) IN GENERAL.—The Secretary shall establish and implement an Indian energy resource development program to assist Indian tribes and tribal consortia in achieving the purposes of this title.

''(b) GRANTS AND LOANS.—In carrying out the Program, the Secretary shall, at a minimum—

''(1) provide development grants to Indian tribes and tribal consortia for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land;

''(2) provide grants to Indian tribes and tribal consortia for use in carrying out projects to promote the vertical integration of energy resources, and to process, use, or develop those energy resources, on Indian land; and

''(3) provide low-interest loans to Indian tribes and tribal consortia for use in the promotion of energy resource development and vertical integration or energy resources on Indian land.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2004 through 2014.

''SEC. 2604. INDIAN TRIBAL RESOURCE REGULATION.

''(a) IN GENERAL.—The Secretary may provide to Indian tribes and tribal consortia, on an annual basis, grants for use in developing, administering, implementing, and enforcing tribal laws (including regulations) governing the development and management of energy resources on Indian land.

''(b) USE OF FUNDS.—Funds from a grant provided under this section may be used by an Indian tribe or tribal consortium for—

''(1) the development of a tribal energy resource inventory or tribal energy resource;

''(2) the development of a feasibility study or other report necessary to the development of energy resources;

''(3) the development of tribal laws and technical infrastructure to protect the environment under applicable law; or

''(4) the training of employees that—

''(A) are engaged in the development of energy resources; or

''(B) are responsible for protecting the environment.

''(c) OTHER ASSISTANCE.—To the maximum extent practicable, the Secretary and the Secretary of the Interior shall make available to Indian tribes and tribal consortia scientific and technical data for use in the development and management of energy resources on Indian land.

''SEC. 2605. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANSMISSION.

''(a) IN GENERAL.—Notwithstanding any other provision of law—

''(1) an Indian or Indian tribe may enter into a lease or business agreement for the purpose of energy development, including a lease or business agreement for—

''(A) exploration for, extraction of, processing of, or other development of energy resources; and

''(B) construction or operation of—

''(i) an electric generation, transmission, or distribution facility located on tribal land; or

''(ii) a facility to process or refine energy resources developed on tribal land; and

''(2) a lease or business agreement described in paragraph (1) shall not require the approval of the Secretary if—

''(A) the lease or business agreement is executed under tribal regulations approved by the Secretary under subsection (e); and

''(B) the term of the lease or business agreement does not exceed 30 years.

''(b) RIGHTS-OF-WAY FOR PIPELINES OR ELECTRIC TRANSMISSION OR DISTRIBUTION LINES.—An Indian tribe may grant a right-of-way over the tribal land of the Indian tribe for a pipeline or an electric transmission or distribution line without specific approval by the Secretary if—

''(1) the right-of-way is executed under and complies with tribal regulations approved by the Secretary under subsection (e);

''(2) the term of the right-of-way does not exceed 30 years; and

''(3) the pipeline or electric transmission or distribution line serves—

''(A) an electric generation, transmission, or distribution facility located on tribal land; or

''(B) a facility located on tribal land that processes or refines renewable or nonrenewable energy resources developed on tribal land.

''(c) RENEWALS.—A lease or business agreement entered into or a right-of-way granted by an Indian tribe under this section may be renewed at the discretion of the Indian tribe in accordance with this section.

''(d) VALIDITY.—No lease, business agreement, or right-of-way under this section shall be valid unless the lease, business agreement, or right-of-way is authorized in accordance with tribal regulations approved by the Secretary under subsection (e).

''(e) TRIBAL REGULATORY REQUIREMENTS.—

''(1) IN GENERAL.—An Indian tribe may submit to the Secretary for approval tribal regulations governing leases, business agreements, and rights-of-way under this section.

''(2) APPROVAL OR DISAPPROVAL.—

''(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives tribal regulations submitted by an Indian tribe under paragraph (1) (or such later date as may be agreed to by the Secretary and the Indian tribe), the Secretary shall approve or disapprove the regulations.

''(B) CONDITIONS FOR APPROVAL.—The Secretary shall approve tribal regulations submitted under paragraph (1) only if the regulations include provisions that, with respect to a lease, business agreement, or right-of-way under this section—

''(i) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way;

''(ii) address the term of the lease or business agreement or the term of conveyance of the right-of-way;

''(iii) address amendments and renewals;

''(iv) address consideration for the lease, business agreement, or right-of-way;

''(v) address technical or other relevant requirements;

''(vi) establish requirements for environmental review in accordance with subparagraph (C);

''(vii) ensure compliance with all applicable environmental laws;

''(viii) identify final approval authority;

''(ix) provide for public notification of final approvals; and

''(x) establish a process for consultation with any affected States concerning potential off-reservation impacts associated with the lease, business agreement, or right-of-way.

''(C) ENVIRONMENTAL REVIEW PROCESS.—Tribal regulations submitted under paragraph (1) shall establish, and include provisions to ensure compliance with, an environmental review process that, with respect to a lease, business agreement, or right-of-way under this section, provides for—

''(i) the identification and evaluation of all significant environmental impacts (as compared with a no-action alternative);

''(ii) the identification of proposed mitigation;

''(iii) a process for ensuring that the public is informed of and has an opportunity to comment on any proposed lease, business agreement, or right-of-way before tribal approval of the lease, business agreement, or right-of-way (or any amendment to or renewal of a lease, business agreement, or right-of-way); and

''(iv) sufficient administrative support and technical capability to carry out the environmental review process.

''(3) PUBLIC PARTICIPATION.—The Secretary may provide notice and opportunity for public comment on tribal regulations submitted under paragraph (1).

''(4) DISAPPROVAL.—If the Secretary disapproves tribal regulations submitted by an Indian tribe under paragraph (1), the Secretary shall—

''(A) notify the Indian tribe in writing of the basis for the disapproval;

''(B) identify what changes or other actions are required to address the concerns of the Secretary; and

''(C) provide the Indian tribe with an opportunity to revise and resubmit the regulations.

''(5) EXECUTION OF LEASE OR BUSINESS AGREEMENT OR GRANTING OF RIGHT-OF-WAY.—

If an Indian tribe executes a lease or business agreement or grants a right-of-way in accordance with tribal regulations approved under this subsection, the Indian tribe shall provide to the Secretary—

''(A) a copy of the lease, business agreement, or right-of-way document (including all amendments to and renewals of the document); and

''(B) in the case of tribal regulations or a lease, business agreement, or right-of-way that permits payment to be made directly to the Indian tribe, documentation of those payments sufficient to enable the Secretary to discharge the trust responsibility of the United States as appropriate under applicable law.

''(6) LIABILITY.—The United States shall not be liable for any loss or injury sustained by any party (including an Indian tribe or any member of an Indian tribe) to a lease, business agreement, or right-of-way executed in accordance with tribal regulations approved under this subsection.

''(7) COMPLIANCE REVIEW.—

''(A) IN GENERAL.—After exhaustion of tribal remedies, any person may submit to the Secretary, in a timely manner, a petition to review compliance of an Indian tribe with tribal regulations of the Indian tribe approved under this subsection.

''(B) ACTION BY SECRETARY.—The Secretary shall—

''(i) not later than 60 days after the date on which the Secretary receives a petition under subparagraph (A), review compliance of an Indian tribe described in subparagraph (A); and

''(ii) on completion of the review, if the Secretary determines that an Indian tribe is not in compliance with tribal regulations approved under this subsection, take such action as is necessary to compel compliance, including—

''(I)(aa) rescinding a lease, business agreement, or right-of-way under this section; or

''(bb) suspending a lease, business agreement, or right-of-way under this section until an Indian tribe is in compliance with tribal regulations; and

''(II) rescinding approval of the tribal regulations and reassuming the responsibility for approval of leases, business agreements, or rights-of-way associated with an energy pipeline or distribution line described in subsection (b).

''(C) COMPLIANCE.—If the Secretary seeks to compel compliance of an Indian tribe with tribal regulations under subparagraph (B)(ii), the Secretary shall—

''(i) make a written determination that describes the manner in which the tribal regulations have been violated;

''(ii) provide the Indian tribe with a written notice of the violation together with the written determination; and

''(iii) before taking any action described in subparagraph (B)(ii) or seeking any other remedy, provide the Indian tribe with a hearing and a reasonable opportunity to attain compliance with the tribal regulations.

''(D) APPEAL.—An Indian tribe described in subparagraph (C) shall retain all rights to appeal as provided in regulations promulgated by the Secretary.

''(f) AGREEMENTS.—

''(1) IN GENERAL.—Any agreement by an Indian tribe that relates to the development of an electric generation, transmission, or distribution facility, or a facility to process or refine renewable or nonrenewable energy resources developed on tribal land, shall not require the specific approval of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) if the activity that is the subject of the agreement is carried out in accordance with this section.

''(2) LIABILITY.—The United States shall not be liable for any loss or injury sustained by any person (including an Indian tribe or any member of an Indian tribe) resulting from an action taken in performance of an agreement entered into under this subsection.

''(g) NO EFFECT ON OTHER LAW.—Nothing in this section affects the application of any provision of—

''(1) the Act of May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 396a et seq.);

''(2) the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.);

''(3) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); or

''(4) any Federal environmental law.

''SEC. 2606. INDIAN ENERGY RESOURCE COMMISSION.

''(a) ESTABLISHMENT.—There is established a commission to be known as the 'Indian Energy Resource Commission'.

''(b) MEMBERS.—The Commission shall consist of—

''(1) 8 members appointed by the Secretary of Interior, based on recommendations submitted by Indian tribes with developable energy resources, at least 4 of whom shall be elected tribal leaders;

''(2) 3 members appointed by the Secretary of Interior, based on recommendations submitted by the Governors of States in which are located—

''(A) 1 or more Indian reservations; or

''(B) Indian land with developable energy resources;

''(3) 2 members appointed by the Secretary of Interior from among individuals in the private sector with expertise in tribal and State taxation of energy resources;

''(4) 2 members appointed by the Secretary of Interior from among individuals with expertise in oil and gas royalty management administration, including auditing and accounting;

''(5) 2 members appointed by the Secretary of Interior from among individuals in the private sector with expertise in energy development;

''(6) 1 member appointed by the Secretary of Interior, based on recommendations submitted by national environmental organizations;

''(7) the Secretary of the Interior; and

''(8) the Secretary.

''(c) APPOINTMENTS.—Members of the Commission shall be appointed not later than 120 days after the date of enactment of the Native American Energy Development and Self-Determination Act of 2003.

''(d) VACANCIES.—A vacancy in the Commission—

''(1) shall be filled in the same manner as the original appointment was made; and

''(2) shall not affect the powers of the Commission.

''(e) CHAIRPERSON.—The members of the Commission shall elect a Chairperson from among the members of the Commission.

''(f) QUORUM.—Eleven members of the Commission shall constitute a quorum, but a lesser number may hold hearings and convene meetings.

''(g) ORGANIZATIONAL MEETING.—Not later than 30 days after the date on which at least 11 members have been appointed to the Commission, the Commission shall hold an organizational meeting to establish the rules and procedures of the Commission.

''(h) COMPENSATION OF MEMBERS.—

''(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

''(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

''(i) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

''(j) STAFF.—

''(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

''(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

''(3) COMPENSATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

''(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level IV of the Executive Schedule under section 5316 of title 5, United States Code.

''(4) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the executive director may retain and fix the compensation of experts and consultants as the executive director considered necessary to carry out the duties of the Commission.

''(5) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

''(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

''(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

''(k) DUTIES OF COMMISSION.—The Commission shall—

''(1) develop proposals to address dual taxation by Indian tribes and States of the extraction of energy minerals on Indian land;

''(2) make recommendations to improve the management, administration, accounting, and auditing of royalties associated with the production of energy minerals on Indian land;

''(3) develop alternatives for the collection and distribution of royalties associated with the production of energy minerals on Indian land;

''(4) develop proposals for incentives to foster the development of energy resources on Indian land;

''(5) identify barriers or obstacles to the development of energy resources on Indian land, and make recommendations designed to foster the development of energy resources on Indian land, in order to promote economic development;

''(6) develop proposals for the promotion of vertical integration of energy resources on Indian land; and

''(7) develop proposals on taxation incentives to foster the development of energy resources on Indian land, including investment tax credits and enterprise zone credits.

''(l) POWERS OF COMMISSION.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this title—

''(1) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths;

''(2) secure directly from any Federal agency such information; and

''(3) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials;
as the Commission, subcommittee, or member considers advisable.

''(m) COMMISSION REPORT.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Native American Energy Development and Self-Determination Act of 2003, the Commission shall submit to the President, the Committee on Resources of the House of Representatives, and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate, a report that describes the proposals, recommendations, and alternatives described in subsection (k).

''(2) REVIEW AND COMMENT.—Before submission of the report required under this subsection, the Chairperson of the Commission shall provide to each interested Indian tribe and each State in which is located 1 or more Indian reservations or Indian land with developable energy resources, a draft of the report for review and comment.

''(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this section, to remain available until expended.

''(o) TERMINATION.—The Commission shall terminate 30 days after the date of submission of the report under subsection (m)(1).

''SEC. 2607. ENERGY EFFICIENCY AND STRUCTURES ON INDIAN LAND.

''(a) TECHNICAL ASSISTANCE TO NONPROFIT AND COMMUNITY ORGANIZATIONS.—The Secretary of Housing and Urban Development, in cooperation with Indian tribes or tribally-designated housing entities of Indian tribes, shall provide, to eligible (as determined by the Secretary of Housing and Urban Development) nonprofit and community organizations, technical assistance to initiate and expand the use of energy-saving technologies in—

''(1) new home construction;

''(2) housing rehabilitation; and

''(3) housing in existence as of the date of enactment of the Native American Energy Development and Self-Determination Act of 2003.

''(b) REVIEW.—The Secretary of Housing and Urban Development and the Secretary of the Interior, in consultation with Indian tribes or tribally-designated housing entities of Indian tribes, shall—

''(1) complete a review of regulations promulgated by the Secretary of Housing and Urban Development and the Secretary of the Interior to identify any feasible measures that may be taken to promote greater use of energy efficient technologies in housing for which Federal assistance is provided under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.);

''(2) develop energy efficiency and conservation measures for use in connection with housing that is—

''(A) located on Indian land; and

''(B) constructed, repaired, or rehabilitated using assistance provided under any law or program administered by the Secretary of Housing and Urban Development or the Secretary of the Interior, including—

''(i) the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

''(ii) the Indian Home Improvement Program of the Bureau of Indian Affairs; and

''(3) promote the use of the measures described in paragraph (2) in programs administered by the Secretary of Housing and Urban Development and the Secretary of the Interior, as appropriate.

''SEC. 2608. INDIAN MINERAL DEVELOPMENT REVIEW BY SECRETARY OF THE INTERIOR.

''(a) IN GENERAL.—As soon as practicable after the date of enactment of the Native American Energy Development and Self-Determination Act of 2003, the Secretary of the Interior shall conduct and provide to the Secretary a review of all activities being conducted under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) as of that date.

''(b) REPORT.—Not later than 1 year after the date of enactment of the Native American Energy Development and Self-Determination Act of 2003, the Secretary shall submit to the Committee on Resources and the Committee on Energy and Commerce of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report that includes—

''(1) the results of the review;

''(2) recommendations to ensure that Indian tribes have the opportunity to develop Indian energy resources; and

''(3)(A) an analysis of the barriers to the development of energy resources on Indian land (including legal, fiscal, market, and other barriers); and

''(B) recommendations for the removal of those barriers.

''SEC. 2609. INDIAN ENERGY STUDY BY SECRETARY OF ENERGY.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Native American Energy Development and Self-Determination Act of 2003, and every 2 years thereafter, the Secretary shall submit to the Committees on Energy and Commerce and Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate a report on energy development potential on Indian land.

''(b) REQUIREMENTS.—The report shall—

''(1) identify barriers to the development of renewable energy by Indian tribes (including legal, regulatory, fiscal, and market barriers); and

''(2) include recommendations for the removal of those barriers.

''SEC. 2610. CONSULTATION WITH INDIAN TRIBES.

''In carrying out this title, the Secretary and the Secretary of Interior shall, as appropriate and to the maximum extent practicable, involve and consult with Indian tribes in a manner that is consistent with the Federal trust and the government-to-government relationships between Indian tribes and the Federal Government.''.

(b) ENERGY EFFICIENCY IN FEDERALLY-ASSISTED HOUSING.—

(1) FINDING.—Congress finds that the Secretary of Housing and Urban Development should promote energy conservation in housing that is located on Indian land and assisted with Federal resources through—

(A) the use of energy-efficient technologies and innovations (including the procurement of energy-efficient refrigerators and other appliances);

(B) the promotion of shared savings contracts; and

(C) the use and implementation of such other similar technologies and innovations as the Secretary of Housing and Urban Development considers to be appropriate.

(2) AMENDMENT.—Section 202(2) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(2)) is amended by inserting ''improvement to achieve greater energy efficiency,'' after ''planning,''.

By Mr. CAMPBELL:

S. 523. A bill to make technical corrections to law relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am introducing the Indian Technical Corrections Act of 2003 to provide routine and noncontroversial amendments to Federal statutes affecting Indian tribes and Indian people.

The vast majority of these amendments were included in legislation in the last session of Congress that failed to be enacted.

Though modest, this bill provides real relief to the many tribes that seek Congress' assistance.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native American Technical Corrections Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITION OF SECRETARY.

In this Act, except as otherwise provided in this Act, the term ''Secretary'' means the Secretary of the Interior.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NATIVE AMERICANS

Subtitle A—Technical Amendments

SEC. 101. UTE MOUNTAIN UTE TRIBE; OIL SHALE RESERVE.

Section 3405(c) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–261) is amended by striking paragraph (3) and inserting the following:

''(3) With respect to the land conveyed to the Tribe under subsection (b)—

''(A) the land shall not be subject to any Federal restriction on alienation; and

''(B) no grant, lease, exploration or development agreement, or other conveyance of the land (or any interest in the land) that is authorized by the governing body of the Tribe shall be subject to approval by the Secretary of the Interior or any other Federal official.''.

SEC. 102. BOSQUE REDONDO MEMORIAL ACT.

Section 206 of the Bosque Redondo Memorial Act (16 U.S.C. 431 note; Public Law 106–511) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''2000'' and inserting ''2004''; and

(B) in paragraph (2), by striking ''2001 and 2002'' and inserting ''2005 and 2006''; and

(2) in subsection (b), by striking ''2002'' and inserting ''2007,''.

SEC. 103. NAVAJO-HOPI LAND SETTLEMENT ACT.

Section 25(a)(8) of Public Law 93–531 (commonly known as the ''Navajo-Hopi Land Settlement Act of 1974'') (25 U.S.C.40d-24(a) (8)) is amended by striking ''annually for fiscal years 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''for each of fiscal years 2003 through 2008''.

SEC. 104. COW CREEK BAND OF UMPQUA INDIANS.

Section 7 of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act (25 U.S.C. 712e) is amended in the third sentence by inserting before the period at the end the following: '', and shall be treated as on-reservation land for the purpose of processing acquisitions of real property into trust''.

SEC. 105. PUEBLO DE COCHITI; MODIFICATION OF SETTLEMENT.

Section 1 of Public Law 102–358 (106 Stat. 960) is amended—

(1) by striking ''implement the settlement'' and inserting the following: ''implement—

''(1) the settlement;'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(2) the modifications regarding the use of the settlement funds as described in the agreement known as the 'First Amendment to Operation and Maintenance Agreement for Implementation of Cochiti Wetlands Solution', executed—

''(A) on October 22, 2001, by the Army Corps of Engineers;

''(B) on October 25, 2001, by the Pueblo de Cochiti of New Mexico; and

''(C) on November 8, 2001, by the Secretary of the Interior.''.

SEC. 106. CHIPPEWA CREE TRIBE; MODIFICATION OF SETTLEMENT.

(a) IN GENERAL.—Section 101(b)(3) of the Chippewa Cree Tribe of The Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999 (Public Law 106–163; 113 Stat. 1782) is amended by striking ''3 years'' and inserting ''6 years''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any decree described in section 101(b)(1) of the Chippewa Cree Tribe of The Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999 (Public Law 106–163; 113 Stat. 1782) entered into on or after December 9, 1999.

SEC. 107. MISSISSIPPI BAND OF CHOCTAW INDIANS.

Section 1(a)(2) of Public Law 106–228 (114 Stat. 462) is amended by striking ''report entitled'' and all that follows through ''is hereby declared'' and inserting the following: ''report entitled 'Report of May 17, 2002, Clarifying and Correcting Legal Descriptions or Recording Information for Certain Lands placed into Trust and Reservation Status for the Mississippi Band of Choctaw Indians by Section 1(a)(2) of Pub. L. 106–228, as amended by Title VIII, Section 811 of Pub. L. 106–568', on file in the Office of the Superintendent, Choctaw Agency, Bureau of Indian Affairs, Department of the Interior, is declared''.

Subtitle B—Other Provisions Relating to Native Americans

SEC. 111. BARONA BAND OF MISSION INDIANS; FACILITATION OF CONSTRUCTION OF PIPELINE TO PROVIDE WATER FOR EMERGENCY FIRE SUPPRESSION AND OTHER PURPOSES.

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to valid existing rights under Federal and State law, and to any easements or similar restrictions which may be granted to the city of San Diego, California, for the construction, operation and maintenance of a pipeline and related appurtenances and facilities for conveying water from the San Vicente Reservoir to the Barona Indian Reservation, or for conservation, wildlife or habitat protection, or related purposes, the land described in subsection (b), fee title to which is held by the Barona Band of Mission Indians of California (referred to in this section as the ''Band'')—

(1) is declared to be held in trust by the United States for the benefit of the Band; and

(2) shall be considered to be a portion of the reservation of the Band.

(b) LAND.—The land referred to in subsection (a) is land comprising approximately 85 acres in San Diego County, California, and described more particularly as follows: San Bernardino Base and Meridian; T. 14 S., R. 1 E.; sec. 21: W½ SE¼, 68 acres; NW¼ NW¼, 17 acres.

(c) GAMING.—The land taken into trust by subsection (a) shall neither be considered to have been taken into trust for gaming, nor be used for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

SEC. 112. CONVEYANCE OF NATIVE ALASKAN OBJECTS.

Notwithstanding any provision of law affecting the disposal of Federal property, on the request of the Chugach Alaska Corporation or Sealaska Corporation, the Secretary of Agriculture shall convey to whichever of those corporations that has received title to a cemetery site or historical place on National Forest System land conveyed under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) all artifacts, physical remains, and copies of any available field records that—

(1)(A) are in the possession of the Secretary of Agriculture; and

(B) have been collected from the cemetery site or historical place; but

(2) are not required to be conveyed in accordance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) or any other applicable law.

SEC. 113. OGLALA SIOUX TRIBE; WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS.

Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Oglala Sioux Tribe under Public Law 88–168 (77 Stat. 301), and relating to Oglala Sioux Tribe v. United States (Docket No. 117 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Oglala Sioux Tribe from any liability associated with any loan described in paragraph (1).

SEC. 114. PUEBLO OF ACOMA; LAND AND MINERAL CONSOLIDATION.

(a) DEFINITION OF BIDDING OR ROYALTY CREDIT.—The term ''bidding or royalty credit'' means a legal instrument or other written documentation, or an entry in an account managed by the Secretary, that may be used in lieu of any other monetary payment for—

(1) a bonus bid for a lease sale on the outer Continental Shelf; or

(2) a royalty due on oil or gas production; for any lease located on the outer Continental Shelf outside the zone defined and governed by section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)).

(b) AUTHORITY.—Notwithstanding any other provision of law, the Secretary may acquire any nontribal interest in or to land (including an interest in mineral or other surface or subsurface rights) within the boundaries of the Acoma Indian Reservation for the purpose of carrying out Public Law 107–138 (116 Stat. 6) by issuing bidding or royalty credits under this section in an amount equal to the value of the interest acquired by the Secretary, as determined under section 1(a) of Public Law 107–138 (116 Stat. 6).

(c) USE OF BIDDING AND ROYALTY CREDITS.—On issuance by the Secretary of a bidding or royalty credit under subsection (b), the bidding or royalty credit—

(1) may be freely transferred to any other person (except that, before any such transfer, the transferor shall notify the Secretary of the transfer by such method as the Secretary may specify); and

(2) shall remain available for use by any other person during the 5-year period beginning on the date of issuance by the Secretary of the bidding or royalty credit.

SEC. 115. PUEBLO OF SANTO DOMINGO; WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS.

Notwithstanding any other provision of law—

(1) the balances of all expert assistance loans made to the Pueblo of Santo Domingo under Public Law 88–168 (77 Stat. 301), and relating to Pueblo of Santo Domingo v. United States (Docket No.355 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Pueblo of Santo Domingo from any liability associated with any loan described in paragraph (1).

SEC. 116. QUINAULT INDIAN NATION; WATER FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary may carry out a water source, quantity, and quality feasibility study for the Quinault Indian Nation, to identify ways to meet the current and future domestic and commercial water supply and distribution needs of the Quinault Indian Nation on the Olympic Peninsula, Washington.

(b) PUBLIC AVAILABILITY OF RESULTS.—As soon as practicable after completion of a feasibility study under subsection (a), the Secretary shall—

(1) publish in the Federal Register a notice of the availability of the results of the feasibility study; and

(2) make available to the public, on request, the results of the feasibility study.

SEC. 117. SANTEE SIOUX TRIBE; STUDY AND REPORT.

(a) STUDY.—Pursuant to reclamation laws, the Secretary, acting through the Bureau of Reclamation and in consultation with the Santee Sioux Tribe of Nebraska (referred to in this subtitle as the ''Tribe''), shall conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water treatment and distribution system for the Santee Sioux Tribe of Nebraska that could serve the tribal community and adjacent communities and incorporate population growth and economic development activities for a period of 40 years.

(b) COOPERATIVE AGREEMENT.—At the request of the Tribe, the Secretary shall enter into a cooperative agreement with the Tribe for activities necessary to conduct the study required by subsection (a) regarding which the Tribe has unique expertise or knowledge.

(c) REPORT.—Not later than 1 year after funds are made available to carry out this subtitle, the Secretary shall submit to Congress a report containing the results of the study required by subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropropriated to the Secretary to carry out this section $500,000, to remain available until expended.

SEC. 118. SEMINOLE TRIBE OF OKLAHOMA; WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS.

Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Seminole Tribe of Oklahoma under Public Law 88–168 (77 Stat. 301), and relating to Seminole Tribe of Oklahoma v. United States (Docket No.247 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Seminole Tribe of Oklahoma from any liability associated with any loan described in paragraph (1).

SEC. 119. SHAKOPEE MDEWAKANTON SIOUX COMMUNITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further authorization by the United States, the Shakopee Mdewakanton Sioux Community in the State of Minnesota (referred to in this section as the ''Community'') may lease, sell, convey, warrant, or otherwise transfer all or any part of the interest of the Community in or to any real property that is not held in trust by the United States for the benefit of the Community.

(b) NO EFFECT ON TRUST LAND.—Nothing in this section—

(1) authorizes the Community to lease, sell, convey, warrant, or otherwise transfer all or part of an interest in any real property that is held in trust by the United States for the benefit of the Community; or

(2) affects the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in that trust land.

TITLE II—PUEBLO OF SANTA CLARA AND PUEBLO OF SAN ILDEFONSO

SEC. 201. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term ''Agreement'' means the agreement entitled ''Agreement to Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Lands Within Garcia Canyon Tract'', entered into by the Governors on December 20, 2000.

(2) BOUNDARY LINE.—The term ''boundary line'' means the boundary line established under section 204(a).

(3) GOVERNORS.—The term ''Governors'' means—

(A) the Governor of the Pueblo of Santa Clara, New Mexico; and

(B) the Governor of the Pueblo of San Ildefonso, New Mexico.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) PUEBLOS.—The term ''Pueblos'' means—

(A) the Pueblo of Santa Clara, New Mexico; and

(B) the Pueblo of San Ildefonso, New Mexico.

(6) TRUST LAND.—The term ''trust land'' means the land held by the United States in trust under section 202(a) or 203(a).

SEC. 202. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of Santa Clara, New Mexico.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,484 acres of Bureau of Land Management land located in Rio Arriba County, New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located north of the boundary line;

(2) the southern half of T. 20 N., R. 7 E., sec. 23, New Mexico Principal Meridian;

(3) the southern half of T. 20 N., R. 7 E., sec. 24, New Mexico Principal Meridian;

(4) T. 20 N., R. 7 E., sec. 25, excluding the 5-acre tract in the southeast quarter owned by the Pueblo of San Ildefonso;

(5) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located north and east of the boundary line;

(6) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located north of the boundary line;

(7) the portion of T. 20 N., R. 8 E., sec. 19, New Mexico Principal Meridian, that is not included in the Santa Clara Pueblo Grant or the Santa Clara Indian Reservation; and

(8) the portion of T. 20 N., R. 8 E., sec. 30, that is not included in the Santa Clara Pueblo Grant or the San Ildefonso Grant.

SEC. 203. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of San Ildefonso, New Mexico.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,000 acres of Bureau of Land Management land located in Rio Arriba County and Santa Fe County in the State of New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located south of the boundary line;

(2) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located south and west of the boundary line;

(3) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located south of the boundary line;

(4) T. 20 N., R. 7 E., sec. 34, New Mexico Principal Meridian; and

(5) the portion of T. 20 N., R. 7 E., sec. 35, New Mexico Principal Meridian, that is not included in the San Ildefonso Pueblo Grant.

SEC. 204. SURVEY AND LEGAL DESCRIPTIONS.

(a) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall, in accordance with the Agreement, complete a survey of the boundary line established under the Agreement for the purpose of establishing, in accordance with sections 3102(b) and 3103(b), the boundaries of the trust land.

(b) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Governors of the survey completed under subsection (a), the Secretary shall publish in the Federal Register—

(A) a legal description of the boundary line; and

(B) legal descriptions of the trust land.

(2) TECHNICAL CORRECTIONS.—Before the date on which the legal descriptions are published under paragraph (1)(B), the Secretary may correct any technical errors in the descriptions of the trust land provided in sections 3102(b) and 3103(b) to ensure that the descriptions are consistent with the terms of the Agreement.

(3) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1)(B), the legal descriptions shall be the official legal descriptions of the trust land.

SEC. 205. ADMINISTRATION OF TRUST LAND.

(a) IN GENERAL.—Effective beginning on the date of enactment of this Act—

(1) the land held in trust under section 202(a) shall be declared to be a part of the Santa Clara Indian Reservation; and

(2) the land held in trust under section 203(a) shall be declared to be a part of the San Ildefonso Indian Reservation.

(b) APPLICABLE LAW.—

(1) IN GENERAL.—The trust land shall be administered in accordance with any law (including regulations) or court order generally applicable to property held in trust by the United States for Indian tribes.

(2) PUEBLO LANDS ACT.—The following shall be subject to section 17 of the Act of June 7, 1924 (commonly known as the ''Pueblo Lands Act'') (25 U.S.C. 331 note):

(A) The trust land.

(B) Any land owned as of the date of enactment of this Act or acquired after the date of

enactment of this Act by the Pueblo of Santa Clara in the Santa, Clara Pueblo Grant.

(C) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of San Ildefonso in the San Ildefonso Pueblo Grant.

(c) USE OF TRUST LAND.—

(1) IN GENERAL.—Subject to the criteria developed under paragraph (2), the trust land may be used only for—

(A) traditional and customary uses; or

(B) stewardship conservation for the benefit of the Pueblo for which the trust land is held in trust.

(2) CRITERIA.—The Secretary shall work with the Pueblos to develop appropriate criteria for using the trust land in a manner that preserves the trust land for traditional and customary uses or stewardship conservation.

(3) LIMITATION.—Beginning on the date of enactment of this Act, the trust land shall not be used for any new commercial developments.

SEC. 206. EFFECT.

Nothing in this title—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of a person or entity (other than the United States) that is—

(A) in or to the trust land; and

(B) in existence before the date of enactment of this Act;

(2) enlarges, impairs, or otherwise affects a right or claim of the Pueblos to any land or interest in land that is—

(A) based on Aboriginal or Indian title; and

(B) in existence before the date of enactment of this Act;

(3) constitutes an express or implied reservation of water or water right with respect to the trust land; or

(4) affects any water right of the Pueblos in existence before the date of enactment of this Act.

SEC. 207. GAMING.

Land taken into trust under this title shall neither be considered to have been taken into trust, nor be used for, gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

TITLE III—DISTRIBUTION OF QUINAULT PERMANENT FISHERIES FUNDS

SEC. 301. DISTRIBUTION OF JUDGMENT FUNDS.

(a) FUNDS TO BE DEPOSITED INTO SEPARATE ACCOUNTS.—

(1) IN GENERAL.—Subject to section 302, not later than 30 days after the date of enactment of this Act, the funds appropriated on September 19, 1989, in satisfaction of an award granted to the Quinault Indian Nation under Dockets 772–71, 773–71, 774–71, and 775–71 before the United States Claims Court, less attorney fees and litigation expenses, and including all interest accrued to the date of disbursement, shall be distributed by the Secretary and deposited into 3 separate accounts to be established and maintained by the Quinault Indian Nation (referred to in this title as the ''Tribe'') in accordance with this subsection.

(2) ACCOUNT FOR PRINCIPAL AMOUNT.—

(A) IN GENERAL.—The Tribe shall—

(i) establish an account for the principal amount of the judgment funds; and

(ii) use those funds to establish a Permanent Fisheries Fund.

(B) USE AND INVESTMENT.—The principal amount described in subparagraph (A)(i)—

(i) except as provided in subparagraph (A)(ii), shall not be expended by the Tribe; and

(ii) shall be invested by the Tribe in accordance with the investment policy of the Tribe.

(3) ACCOUNT FOR INVESTMENT INCOME.—

(A) IN GENERAL.—The Tribe shall establish an account for, and deposit in the account, all investment income earned on amounts in the Permanent Fisheries Fund established under paragraph (2)(A)(ii) after the date of distribution of the funds to the Tribe under paragraph (1).

(B) USE OF FUNDS.—Funds deposited in the account established under subparagraph (A) shall be available to the Tribe—

(i) subject to subparagraph (C), to carry out fisheries enhancement projects; and

(ii) pay expenses incurred in administering the Permanent Fisheries Fund established under paragraph (2)(A)(ii).

(C) SPECIFICATION OF PROJECTS.—Each fisheries enhancement project carried out under subparagraph (B)(i) shall be specified in the approved annual budget of the Tribe.

(4) ACCOUNT FOR INCOME ON JUDGMENT FUNDS.—

(A) IN GENERAL.—The Tribe shall establish an account for, and deposit in the account, all investment income earned on the judgment funds described in subsection (a) during the period beginning on September 19, 1989, and ending on the date of distribution of the funds to the Tribe under paragraph (1).

(B) USE OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds deposited in the account established under subparagraph (A) shall be available to the Tribe for use in carrying out tribal government activities.

(ii) SPECIFICATION OF ACTIVITIES.—Each tribal government activity carried out under clause (i) shall be specified in the approved annual budget of the Tribe.

(b) DETERMINATION OF AMOUNT OF FUNDS AVAILABLE.—Subject to compliance by the Tribe with paragraphs (3)(C) and (4)(B)(ii) of subsection (a), the Quinault Business Committee, as the governing body of the Tribe, may determine the amount of funds available for expenditure under paragraphs (3) and (4) of subsection (a).

(c) ANNUAL AUDIT.—The records and investment activities of the 3 accounts established under subsection (a) shall—

(1) be maintained separately by the Tribe; and

(2) be subject to an annual audit.

(d) REPORTING OF INVESTMENT ACTIVITIES AND EXPENDITURES.—Not later than 120 days after the date on which each fiscal year of the Tribe ends, the Tribe shall make available to members of the Tribe a full accounting of the investment activities and expenditures of the Tribe with respect to each fund established under this section (which may be in the form of the annual audit described in subsection (c)) for the fiscal year.

SEC. 302. CONDITIONS FOR DISTRIBUTION.

(a) UNITED STATES LIABILITY.—On disbursement to the Tribe of the funds under section 301(a), the United States shall bear no trust responsibility or liability for the investment, supervision, administration, or expenditure of the funds.

(b) APPLICATION OF OTHER LAW.—All funds distributed under this title shall be subject to section 7 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407).

By Mr. LEVIN (for himself, Ms. COLLINS, Mr. DEWINE, Ms. STABENOW, Mr. REED, Mr. INOUYE, Mr. VOINOVICH, Mr. KENNEDY, Mr. LEAHY, Ms. CANTWELL, Mr. JEFFORDS, Mr. WARNER, Mr. AKAKA, Mr. FITZGERALD, Mr. DURBIN, and Mr. BAYH):

S. 525. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, today, my colleague from Maine, Senator COLLINS and I are very pleased to introduce the National Aquatic Invasive Species Act of 2003. This bill, which reauthorizes the Nonindigenous Aquatic Nuisance Prevention and Control Act, takes a comprehensive approach towards addressing aquatic nuisance species to protect the Nation's waters. This bill deals with the prevention of new introductions, the screening of new aquatic organisms coming into the country, the rapid response to new invasions, and the research to implement the provisions of this bill.

The problem of invasive species is a very real one. Over the past 450 years, during colonization and development of this country, more than 6,500 nonindigenous invasive species have been introduced into the United States and have become established, self-sustaining populations. These species—from microorganisms to mollusks, from pathogens to plants, from insects to fish to animals—typically encounter few, if any, natural enemies in their new environments and wreak havoc on native species. Aquatic nuisance species threaten biodiversity nationwide, especially in the Great Lakes.

Some of my colleagues may remember that back in the late eighties, the problem of aquatic nuisance species was first raised after the zebra mussel was released into the Great Lakes. The Great Lakes still have zebra mussels, and now, 20 States are fighting to control them. Zebra mussels were carried over from the Mediterranean to the Great Lakes in the ballast tanks of ships. The leading pathway for aquatic invasive species is maritime commerce. Most invasive species are contained in the water that ships use for ballast. Aquatic invaders such as the zebra mussel and round goby were introduced into the Great Lakes when ships, often from halfway around the world, pulled into port and discharged their ballast water. Aquatic invaders can also attach themselves to ships' hulls and anchor chains.

Because of the impact that the zebra mussel had in the Great Lakes, Congress passed legislation in 1990 and 1996 that have reduced, but not eliminated, the threat of new invasions by requiring ballast water management for ships entering the Great Lakes. Today, there is a mandatory ballast water management program in the Great Lakes. The current law requires that ships entering the Great Lakes must exchange their ballast water, seal their ballast tanks or use alternative treatment that is ''as effective as ballast water exchange.'' Unfortunately, the effectiveness of ballast water exchange has been left undefined. Consequently, alternative treatments have not been fully developed and widely tested on ships because the developers of ballast technology do not know what standard

they are trying to achieve. This obstacle is serious because ultimately, only onboard ballast water treatment will adequately reduce the threat of new aquatic nuisance species being introduced through ballast water.

Our bill rectifies this problem. First, this bill establishes deadlines for national interim and final standards for ballast water management. This way, technology vendors and the maritime industry know when to expect clear requirements. Second, our bill establishes what the phrase ''as effective as ballast water exchange'' means for the purposes of the interim period. Research has shown that ballast water exchange has highly variable effectiveness rates. This bill takes the maximum effectiveness that ballast water exchange could have using the safest approach—a 95-percent reduction of near coastal plankton and establishes it as the floor for treatment effectiveness which is a 95 percent kill or removal of live organisms. Within 18 months of the bill's passage, the Coast Guard is required to issue regulations implementing an interim ballast water standard that would require ships that enter any U.S. port after operating outside the Exclusive Economic Zone of 200 miles to either use ballast water treatment technology that meets the standard, retain the ship's ballast water, or exchange the ship's ballast water in the high seas. Ships operating in coastal waters would not be required to manage ballast water during the interim standard.

A 95-percent reduction of organisms will be the interim standard used for treatment technology until the EPA, with the concurrence of the Coast Guard, promulgates the final standard. This interim standard is not intended to be implemented for the long run, and it is not perfect. However, a final standard is difficult to set today or in the near future because of the limited research that has been conducted on how clean or sterile ballast water discharge should be, what is the best expression of a standard, and what is technologically achievable. Rather than wait many more years before taking action to stop new introductions, I believe that an imperfect but clear and achievable interim standard for treatment technology is the right approach. This interim standard will lead to the use of ballast treatments that are more protective of our waters than the default method of ballast water exchange provides, and it can be implemented in the very near future. Further, the bill provides the Coast Guard with the flexibility to promulgate the interim standard using a size-based standard or by whatever parameters the Coast Guard determines appropriate.

I understand that ballast water technologies are being researched and are ready to be tested onboard ships. These technologies include ultraviolet lights, filters, chemicals, deoxygenation, and several others. Each of these technologies has a different pricetag attached to it. It is not my intention to overburden the maritime industry with an expensive requirement to install technology. In fact, the legislation states that the final ballast water technology standard must be based on ''best available technology economically achievable.'' That means that the EPA must consider what technology is available, and if there is not economically achievable technology available to a class of vessels, then the standard will not require ballast technology for that class of vessels, subject to review every 3 years. I do not believe this will be the case, however, because the approach creates a clear incentive for treatment vendors to develop affordable equipment for the market. Since ballast technology will be always evolving, it is important that the EPA review and revise the standard so that it reflects what is the best technology currently available and whether it is economically achievable. Shipowners cannot be expected to upgrade their equipment upon every few years as technology develops, however, so the law provides an approval period of at least 10 years.

There are other important provisions of the bill as well. The bill requires the Army Corps of Engineers to construct and operate the Chicago Ship and Sanitary Canal project which includes the construction of a second dispersal barrier to keep species like the Asian carp from migrating up the Mississippi through the canal into the Great Lakes. Equally important, this barrier will prevent the migration of invasive species in the Great Lakes from proceeding into the Mississippi system. The bill establishes an experimental ballast treatment approval process to take effect immediately so that the treatment technology industry can begin full-scale experimental installations of treatments on ships. The bill authorizes additional funding for better coordinated research to find effective means of combating invasive species. It would help Federal, State, and regional authorities guard against future invasions by developing early detection monitoring and rapid response plans. And it provides funding for outreach and education programs to inform the public and marina owners about the dangers of inadvertently carrying aquatic invaders on the hulls of recreational boats or dumping bait buckets into the Lakes.

Invasive species threaten the region's biological diversity and are an economic drain. Estimates of the annual economic damage caused nationwide by invasive species go as high as $137 billion. Because of the system of canals connecting the Great Lakes to the Mississippi River and the Atlantic Ocean, there are no physical barriers to block the spread of invasive species, making the Great Lakes highly vulnerable. Because of the frequency of ships entering into the Great Lakes, though, our region is often ''ground zero,'' and once an exotic species establishes itself, it is almost impossible to eradicate and sometimes difficult to prevent from moving throughout the nation. Therefore, prevention is the key to controlling new introductions.

All in all, the bill would cost between $160 million and $170 million each year. This is a lot of money, but it is a critical investment. As those of us from the Great Lakes know, the economic damage that invasive species can cause is much greater. However, compared to the $137 billion annual cost of invasive species, the cost of this bill is minimal. Therefore, I urge my colleagues to cosponsor this legislation and work to move the bill swiftly through the Senate.

Ms. COLLINS. Mr. President, from Pickerel Pond to Lake Auburn, from Sebago Lake to Bryant Pond, lakes and ponds in Maine are under attack. Aquatic invasive species threaten Maine's drinking water system, recreation, wildlife habitat, lakefront real estate, and fisheries. Plants, such as variable leaf milfoil, are crowding out native species. Invasive Asian shore crabs are taking over southern New England's tidal pools, and just last year began their advance into Maine—to the potential detriment of Maine's lobster and clam industries.

Maine and many other States are attempting to fight back against these invasions. Unfortunately, their efforts have frequently been of limited success. As with national security, protecting the integrity of our lakes, streams, and coastlines from invading species cannot be accomplished by individual States alone. We need a uniform, nationwide approach to deal effectively with invasive species.

Today I am pleased to join Senator LEVIN in introducing the National Aquatic Invasive Species Act of 2003. This bill would create the most comprehensive nationwide approach to date for combating alien species that invade our shores.

The stakes are high when invasive species are unintentionally introduced into our Nation's waters. They endanger ecosystems, reduce biodiversity, and threaten native species. They disrupt people's lives and livelihoods by lowering property values, impairing commercial fishing and aquaculture, degrading recreational experiences, and damaging public water supplies.

In the 1950s, European green crabs swarmed the Maine coast and literally ate the bottom out of Maine's softshell clam industry by the 1980s. Many clam diggers were forced to go after other fisheries or find new vocations. In just one decade, this invader reduced the number of clam diggers in Maine from nearly 5,000 in the 1940s to fewer than 1500 in the 1950s. European green crabs currently cost an estimated $44 million a year in damage and control efforts in the United States.

Past invasions forewarn of the long-term consequences to our environment and communities unless we take steps to prevent new invasions. It is too late

to stop European green crabs from taking hold on the east coast, but we still have the opportunity to prevent many other species from taking hold in Maine and the United States.

Three months ago, in the town of Limerick, ME, one of North America's most aggressive invasive species—hydrilla—was found in Pickeral Pond. Hydrilla can quickly dominate its new ecosystem—already hydrilla covers 60 percent of the bottom of Pickerel Pond from the shoreline out to 6 feet deep. Never before detected in Maine, this stubborn and fast-growing aquatic plant threatens Pickerel Pond's recreational use for swimmers and boaters, and could spread to nearby lakes and ponds. Unfortunately, eradication of hydrilla is nearly impossible, so we must now work to prevent further infestation in the State.

The National Aquatic Invasive Species Act of 2003 is the most comprehensive effort ever to address the threat of invasive species. By authorizing $836 million over 6 years, this legislation would open numerous new fronts in our war against invasive species. The bill directs the Coast Guard to develop regulations that will end the easy cruise of invasive species into U.S. waters through the ballast water of international ships, and would provide the Coast Guard with $6 million per year to develop and implement these regulations.

The bill also would provide $30 million per year for a grant program to assist State efforts to prevent the spread of invasive species. It would provide $12 million per year for the Army Corps of Engineers and Fish and Wildlife Service to contain and control invasive species. Finally, the Levin-Collins bill would authorize $30 million annually for research, education, and outreach.

The most effective means of stopping invading species is to attack them before they attack us. We need an early alert, rapid response system to combat invading species before they have a chance to take hold. For the first time, this bill would establish a national monitoring network to detect newly introduced species, while providing $25 million to the Secretary of the Interior to create a rapid response fund to help States and regions respond quickly once invasive species have been detected. This bill is our best effort at preventing the next wave of invasive species from taking hold and decimating industries and destroying waterways in Maine and throughout the country.

One of the leading pathways for the introduction of aquatic organisms to U.S. waters from abroad is through transoceanic vessels. Commercial vessels fill and release ballast tanks with seawater as a means of stabilization. The ballast water contains live organisms from plankton to adult fish that are transported and released through this pathway. The bill we are introducing today would establish a framework to prevent the introduction of aquatic invasive species by ships.

Currently, the U.S. is in negotiations with the international community on the development and implementation of an international program for preventing the unintentional introduction and spread of non-indigenous species through ballast water. I commend American negotiators for working with the international community to address this global problem. This legislation offers a strong framework that the U.S. should use as a model in negotiating this important international convention. The U.S. Government must ensure that the international convention will be at least as protective as the legislation we are introducing today. The United States must take the most protective action possible to protect our waters, ecosystems, and industries from destructive invasive species before it is too late.

Ms. STABENOW. Mr. President, I would like to express my strong support for the National Aquatic Invasive Species Act of 2003, NAISA.

During the 107th Congress, I introduced S. 1034, the Great Lakes Ecology Protection Act which sought to curb the influx of invasive species into the Great Lakes. This is an immense task, as more then 87 nonindigenous aquatic species have been accidentally introduced into the Great Lakes in the past century. I am proud to say that this bill had strong bipartisan support with 12 Great Lakes Senators as original cosponsors.

Today, I am proud to join Senator LEVIN as an original cosponsor of NIASA which will provide a national strategy for preventing invasive species from being introduced in the Great Lakes and our Nation's waters. I am pleased that NIASA incorporates many of the ideas from the Great Lakes Ecology Protection Act in formulating a national standard.

Invasive species have had a devastating economic and ecological impact on the United States. They have already damaged the Great Lakes in a number of ways. They have destroyed thousands of fish and threatened our clean drinking water.

For example, Lake Michigan once housed the largest self-producing lake trout fishery in the entire world. The invasive sea lamprey, which was introduced from ballast water almost 80 years ago, has contributed greatly to the decline of trout and whitefish in the Great Lakes by feeding on and killing native trout species.

Today, lake trout must be stocked because they cannot naturally reproduce in the lake. Many Great Lakes States have had to place severe restrictions on catching yellow perch because invasive species such as the zebra mussel disrupt the Great Lakes' ecosystem and compete with yellow perch for food. The zebra mussel's filtration also increases water clarity, which may be making is easier for predators to prey upon the yellow perch. Moreover, tiny organisms like zooplankton that help form the base of the Great Lakes food chain, have declined due to consumption by exploding populations of zebra mussels.

We have made progress on preventing the spread of invasive species, but we have not yet solved this problem. NIASA will create a mandatory national ballast water management program to prevent the introduction of invasive species into our waters, as well as, encourage the development of new ballast treatment technology to eliminate invasive species. NIASA also will greatly increase research funding for these treatment and prevention technologies, and provide necessary funding and resources for invasive species rapid response plans. In addition, the bill will increase outreach and education to recreational boaters and the general public on how to prevent the spread of invasive species.

As Members of the U.S. Congress, we have a responsibility to share in the stewardship of our Nation's natural resources. As a Great Lakes Senator, I feel a particularly strong responsibility to protect a resource that is not only a source of clean drinking water for more than 30 million people in the Great Lakes, but is vital to Michigan's economy and environment. I am proud to support a bill that will provide innovative solutions and necessary resources to this longstanding environmental problem, and will also protect our precious water resources for the enjoyment and benefit of future generation of Americans.

Mr. JEFFORDS. Mr. President, I rise today to join my colleagues, Senator LEVIN and Senator SNOWE in introducing the ''National Aquatic Invasive Species Act of 2003.''

The waters of the United States continue to face threats from aquatic invasive species. Invasive species take both an economic and an environmental toll. The United States and Canada are spending $14 million a year just to try to control sea lamprey, a species that has invaded Lake Champlain and the Great Lakes. The environmental costs are also staggering. Invasive species usually have high reproductive rates, disperse easily, and can tolerate a wide range of environmental conditions, making them very difficult to eradicate. They often lack predators in their new environment and out-compete native species for prey or breeding sites.

The legislation we are introducing today will build on programs established over the last decade and focus much of our attention and resources on preventing invasive species from entering our aquatic ecosystems. This legislation establishes a mandatory ballast water management program for the entire country; makes federal funds and resources available for rapid response to the introduction of invasive species and for prevention, control and research.

Increased funding and resources for dispersal barrier projects and research to prevent the interbasin transfer of

organisms is of particular importance in my State of Vermont. We, along with New York, are home to one of this country's most beautiful lakes—Lake Champlain. However, zebra mussels, Eurasian water milfoil, water chestnuts, and sea lamprey have invaded Lake Champlain and are having a devastating impact. Like most who visit Lake Champlain, these species want to call it home, but we cannot compromise the health of the lake. Examining the feasibility and effectiveness of a dispersal barrier in the Lake Champlain Canal to control the dispersal of invasive species in the lake is another avenue toward preventing further destructive dispersal of these species.

I look forward to working with my colleagues on the Environment and Public Works Committee and in the Senate to move this important legislation forward.

By Mr. HATCH (for himself, Mr. GRAHAM of Florida, Mr. KENNEDY, Mr. COLEMAN, Ms. MIKULSKI, Mr. ALLARD, and Mr. DAYTON):

S. 526. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs medicare beneficiaries by allowing plans to target enrollment to special needs beneficiaries; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce a bill designed to provide assistance to vulnerable Medicare beneficiaries: the Medicare Improvements for Special Needs Beneficiaries Act of 2003. This legislation will improve access to health care for frail and elderly Medicare beneficiaries who reside in nursing homes or their local communities.

Approximately 6 million Medicare beneficiaries are eligible for both Medicare and Medicaid coverage. Known as ''dual eligibles,'' these beneficiaries are the most vulnerable group of Medicare recipients. They are elderly or disabled and poor. Many have serious health concerns and complex medical, social, and long-term care needs. As a result, dual eligibles represent a disproportionate share of Medicare spending.

To address the concerns of dual eligibles, a small number of health plans specialize in providing quality coordinated care to frail, elderly Medicare beneficiaries through demonstrations and the Medicare+Choice Program. These specialized plans include innovative clinical models of care that improve care and health outcomes while reducing medical costs. Today, approximately 25,000 Medicare beneficiaries, most of whom reside in nursing homes, receive their health care through these specialized plans.

Through these plans, physicians and nurse practitioners work together to provide as much primary, preventive, and acute care as possible on site—in a nursing home facility or in the patient's home. For those beneficiaries residing in nursing homes, this means fewer trips to the emergency room; for those still living at home, it delays nursing home placement. If enrollees can be treated successfully without a trip to the hospital or placement in a nursing home, they remain healthier and costs to the Medicare Program are reduced.

Currently, these specialized plans are facing regulatory barriers that prevent them from becoming permanent Medicare+Choice Program options. The Medicare Improvements for Special Needs Beneficiaries Act provides improved beneficiary access to Medicare+Choice plans by removing these barriers and allowing plans to specialize in serving dual eligible, institutionalized, and other frail beneficiaries. Specifically, the bill would allow a special Medicare+Choice program designation so these plans may continue to target enrollment to the frail elderly and provide appropriate health care to this vulnerable population.

Both the President and Members of Congress have stated their commitments to improving services provided to Medicare beneficiaries. In fact, when President Bush visited Minneapolis last July, he expressed his strong support for the Evercare program by saying that ''government should act to strengthen these private health insurance options, not replace them. By relying on competition and patient's choice and innovative programs like Evercare, we will protect our seniors now, and offer many new lifesaving services to seniors in the future and preserve our private health care system.''

These specialized programs are fulfilling the original promise of the Medicare+Choice Program to not only protect our Medicare beneficiaries but, in addition, these program improve health care quality and lower health care costs. This legislation is a no-cost way to continue this effort. Evercare plans serve a unique and valuable purpose for a vulnerable segment of our society. I hope my colleagues will join me in supporting this important bill.

By Mr. BINGAMAN (for himself and Mr. BENNETT):

S. 528. A bill to reauthorize funding for maintenance of public roads used by school buses serving certain Indian reservations; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Indian School Bus Route Safety Reauthorization Act of 2003. This bill continues an important Federal program begun in TEA–21 that addresses a unique problem with the roads in and around the Nation's single largest Indian reservation and the neighboring counties. Through this program, Navajo children who had been prevented from getting to school by frequently impassable roads are now traveling safely to and from their schools. Because of the unusual nature of this situation, I believe it must continue to be addressed at the Federal level.

I would like to begin with some statistics on this unique problem and why I believe a Federal solution continues to be necessary. The Navajo Nation is by far the Nation's largest Indian reservation, covering 25,000 square miles. Portions of the Navajo Nation are in three States: Arizona, New Mexico, and Utah. No other reservation comes anywhere close to the size of Navajo. To give you an idea of its size, the State of West Virginia is about 24,000 square miles. In fact, 10 States are smaller in size than the Navajo reservation.

According to the Bureau of Indian Affairs, about 9,800 miles of public roads serve the Navajo Nation. Only about one-fifth of these roads are paved. The remaining 7,600 miles, 78 percent, are dirt roads. Every day schoolbuses use nearly all of these roads to transport Navajo children to and from school.

About 6,400 miles of the roads on the Navajo reservation are BIA roads, and about 2,500 miles are State and county roads. All public roads within, adjacent to, or leading to the reservation, including BIA, State, and county roads are considered part of the Federal Indian reservation road system. However, only BIA roads are eligible for Federal maintenance funding from BIA. Moreover, construction funding and improvement funding from the Federal Lands Highways Program in TEA–21 is generally applied only to BIA or tribal roads. Thus, the States and counties are responsible for maintenance and improvement of their 2,500 miles of roads that serve the reservation.

The counties in the three States that include the Navajo reservation are simply not in a position to maintain all of the roads on the reservation that carry children to and from school. Nearly all of the land area in these counties is under Federal or tribal jurisdiction.

For example, in my State of New Mexico, three-quarters of McKinley County is either tribal or Federal land, including BLM, Forest Service, and military land. The Indian land area alone comprises 61 percent of McKinley County. Consequently, the county can draw upon only a very limited tax base as a source of revenue for maintenance purposes. Of the nearly 600 miles of county-maintained roads in McKinley County, 512 miles serve Indian land.

In San Juan County, UT, the Navajo Nation comprises 40 percent of the land area. The county maintains 611 miles of roads on the Navajo Nation. Of these, 357 miles are dirt, 164 miles are gravel, and only 90 miles are paved. On the reservation, the county has three high schools, two elementary schools, two BIA boarding schools and four preschools.

The situation is similar in neighboring San Juan County, NM, as well, Apache, Navajo, and Coconino Counties, AZ. In light of the counties' limited resources, I do believe the Federal

Government is asking the States and counties to bear too large a burden for road maintenance in this unique situation.

Families living in and around the reservation are no different from families anywhere else; their children are entitled to the same opportunity to get to school safely and to get a good education. However, the many miles of unpaved and deficient roads on the reservation are frequently impassable, especially when they are wet, muddy, or snowy. If the schoolbuses don't get through, the kids simply cannot get to school.

These children are literally being left behind.

Because of the vast size of the Navajo reservation, the cost of maintaining the county roads used by the school buses is more than the counties can bear without Federal assistance. I believe it is essential that the Federal Government help these counties deal with this one-of-a-kind situation.

In response to this unique situation, in 1998 Congress began providing direct annual funding to the counties that contain the Navajo reservation to help ensure that children on the reservation can get to and from their public schools. The funding was included at my request in section 1214(d) of TEA–21. Under this provision, $1.5 million is made available each year to be shared equally among the three States. The funding is provided directly to the counties in Arizona, New Mexico, and Utah that contain the Navajo reservation. I want to be very clear: these Federal funds can be used only on roads that are located within or that lead to a reservation, that are on the State or county maintenance system, and that serve as schoolbus routes.

This program has been very successful. For the last 6 years, the counties have used the annual funding to help maintain the routes used by schoolbuses to carry children to school and to Head Start programs. I had an opportunity in 1998 to see first hand the importance of this funding when I rode in a schoolbus over some of the roads that are maintained using funds from this program.

The bill I am introducing today provides a simple 6-year reauthorization of that program, with a modest increase in the annual funding to allow for inflation and for additional roads to be maintained in each of the three States.

I believe that continuing this program for 6 more years is fully justified because of the vast area of the Navajo reservation—by far the Nation's largest—and the unique nature of this need that only the Federal Government can deal with effectively.

I don't believe any child wanting to get to and from school safely should have to risk or tolerate unsafe roads. Kids today, particularly in rural and remote areas, face enough barriers to getting a good education. I ask all Senators to join me in assuring that Navajo schoolchildren at least have a chance to get to school safely and get an education.

My bill has the support of the Southeastern Utah Association of Local Governments and the Tri-State County Association of New Mexico, Arizona, and Utah. I ask unanimous consent that letters and resolutions from New Mexico, Arizona, and Utah be printed in the RECORD at the conclusion of my remarks.

I am pleased that Congressmen TOM UDALL of New Mexcio, RICK RENZI of Arizona, and JAMES DAVID MATHESON of Utah are introducing a companion bill today in the House. I look forward to working with them this year and with the chairman of the Environment and Public Works Committee, Senator INHOFE, and Senator JEFFORDS, the ranking member, to incorporate this legislation once again into the comprehensive 6-year reauthorization of the surface transportation bill.

Mr. President, I ask unanimous consent that text of the bill be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian School Bus Route Safety Reauthorization Act of 2003''.

SEC. 2. REAUTHORIZATION OF ADDITIONAL CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.

(a) AVAILABILITY TO STATES.—Not later than October 1 of each fiscal year, funds made available under subsection (e) for the fiscal year shall be made available by the Secretary of Transportation, in equal amounts, to each State that has within the boundaries of the State all or part of an Indian reservation having a land area of 10,000,000 acres or more.

(b) AVAILABILITY TO ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Each fiscal year, each county that is located in a State to which funds are made available under subsection (a), and that has in the county a public road described in paragraph (2), shall be eligible to apply to the State for all or a portion of the funds made available to the State under this section to be used by the county to maintain such public roads.

(2) ROADS.—A public road referred to in paragraph (1) is a public road that—

(A) is within, is adjacent to, or provides access to an Indian reservation described in subsection (a);

(B) is used by a school bus to transport children to or from a school or Headstart program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(C) is maintained by the county in which the public road is located.

(3) ALLOCATION AMONG ELIGIBLE COUNTIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State that receives funds under subsection (a) shall provide directly to each county that applies for funds the amount that the county requests in the application.

(B) ALLOCATION AMONG ELIGIBLE COUNTIES.—If the total amount of funds applied for under this section by eligible counties in a State exceeds the amount of funds available to the State, the State shall equitably allocate the funds among the eligible counties that apply for funds.

(c) SUPPLEMENTARY FUNDING.—For each fiscal year, the Secretary of Transportation shall ensure that funding made available under this section supplements (and does not supplant)—

(1) any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations; and

(2) any funding provided by a State to a county for road maintenance programs in the county.

(d) USE OF UNALLOCATED FUNDS.—Any portion of the funds made available to a State under this section that is not made available to counties within 1 year after the funds are made available to the State shall be apportioned among the States in accordance with section 104(b) of title 23, United States Code.

(e) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

(A) $3,000,000 for each of fiscal years 2004 and 2005;

(B) $4,000,000 for each of fiscal years 2006 and 2007; and

(C) $5,000,000 for each of fiscal years 2008 and 2009.

(2) CONTRACT AUTHORITY.—Funds made available to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

GALLUP MCKINLEY COUNTY
PUBLIC SCHOOLS,
Gallup, NM., December 11, 2002.

Hon. JEFF BINGAMAN
U.S. Senate,
Washington, DC.

DEAR HON. JEFF BINGAMAN: The Gallup McKinley County Schools serve over 15 thousand students, of which over 10 thousand are bussed daily. Our District's school buses travel 9,250 miles daily, one way. Several miles of these roads are primitive dirt roads with poor or no drainage. Several do not have guard rails and some are not maintained by any entity. The inability to safely negotiate school buses over these roads during wet, muddy and snowy conditions greatly restricts our ability to provide adequate services for families living along these particular roadways. Funding for school bus route road maintenance is vital to providing safe and efficient transportation for thousands of students throughout our County.

The School bus route maintenance programs have helped tremendously. Our County Roads Division (McKinley County) has been extremely helpful in maintaining hundreds of miles of bus route roads. The route improvements completed recently in the North Coyote Canyon, Mexican Springs, Johnson loop, Tohlakal, CR–1, Crestview, lyanbito and Bluewell have provided us with the ability to safely negotiate these areas and transport hundreds of students to various schools.

The School bus route program is a very important program. Our County Roads division worked diligently to provide safe access and passage for our school districts 160 school buses. Without the school bus route program, it would be impossible to maintain safe conditions on these roads. To insure the safety of our school children and families, it is imperative that the reauthorization of the TEA–21 Bill be realized.

Your help in sponsoring Bills, which address the unique situations with respect to school bus route roads, have been greatly appreciated. Your continuing support of the school bus route program (TEA–21 Bill) will enable us to continue to safely and efficiently transport our students. It is through

these cooperative efforts that we are able to serve the hundreds of families living in our County. Thank you for your continued efforts.

Sincerely,

BEN CHAVEZ,
Support Services Director.

COUNTY OF MCKINLEY,
Gallup, N.M., December 20, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

Re: Indian School Bus Route Safety Reauthorization Act of 2003.

DEAR SENATOR BINGAMAN: The Board of Commissioners supports your proposed Bill entitled, Indian School Bus Route Safety Reauthorization Act of 2003.

Currently, TEA–21 has provided a pilot program for the Counties in New Mexico, Arizona and Utah with funds to help maintain school routes accessing the Navajo Nation. This support has allowed McKinley County to improve an average of six miles per year.

The Gallup McKinley County Schools operates 143 school buses on a weekday basis traveling 16,070 miles daily. The Navajo Nation also operates a bus network for their Headstart Programs.

Our residents who live in the rural areas of our County depend on these same roads to shop, access medical services and jobs. Improved roads are critical to our region.

I appreciate your sponsorship of the Indian School Bus Route Safety Reauthorization Act of 2003.

Sincerely yours,

EARNEST C. BECENTI, Sr.,
Chairperson.

COUNTY OF MCKINLEY,
Gallup, N.M., December 20, 2002.

Hon. JEFF BINGAMAN
U.S. Senate,
Washington, DC. 20510

DEAR SENATOR BINGAMAN: We want to take this opportunity to let you know how grateful McKinley County residents are for your past efforts in obtaining the federal funding received under the TEA–21 Bill. These funds have improved approximately 30 miles of school bus routes that could not have been a reality without them. These roads were improved to all weather standards at an average cost per mile of approximately $60,000. We have enclosed a recap identifying the type of improvements made and expenditures. We have also enclosed a letter from the Gallup-McKinley County Schools identifying the enhancement of these improvements that contribute to the safe transportation of students throughout the County.

McKinley County has a total of 511.746 miles of maintained roads that lead to or are within Indian Lands that qualify under the TEA–21 funding. This total reflects that approximately 90 percent of McKinley County roads on the maintenance system serve the vast Indian population in rural McKinley County. The TEA–21 funding received thus far has improved approximately 5 percent of these miles; leaving approximately 95 percent of the remaining miles to be improved. As you can see, the miles improved thus far are small in comparison to the vast needs of McKinley County.

The unimproved roads continue to contribute to the number of school days missed during inclement weather at all grade levels, which ultimately contribute to the illiteracy of our young people, and to the high level of unemployment in this area. It is difficult to change these statistics with the insurmountable miles of unimproved roads and the lack of sufficient funding sources. It is also very difficult to attract economic growth to McKinley County and improve the job market and quality of life for families throughout rural McKinley County.

We strongly solicit support for the continuation of the TEA–21 allocation for the improvement of school bus routes in our area. Thank you once again for your past and continued support in meeting the needs of McKinley County.

Sincerely,

DAVID J. ACOSTA,
Road Superintendent.

GALLUP-MCKINLEY COUNTY
PUBLIC SCHOOLS,
December 19, 2002.

Hon. SENATOR JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: Regarding the reauthorization of TEA–21 legislation, I would like to be up front in support of this bill. Our Gallup-McKinley County School District cannot function without a decent roads maintenance program. Our school district has established a good partnership with the McKinley County Commissioners Office. Mr. Irvin Harrison, McKinley County Manager, is very instrumental in addressing the many roads maintenance issues. Of course, the money to do the actual maintenance work comes from the Indian School Bus Route Safety Reauthorization Act.

Let me explain why the Gallup-McKinley County Schools consider TEA–21 is practically indispensable. Our district daily transports 9,089 students and covers 16,070 miles. The 9,089 students are almost all Native Americans residing on Indian Reservation land or Checker Board Areas. The majority of the roads are dirt or unimproved. Our bus fleet totals 146 and 27 buses are equipped with lifts. Senator, you can imagine how delicate it is to make sure the roads are safe and all-weather condition. On an annual basis, our miles driven exceed 3,047,269. Without the county's roads maintenance program, our buses would deteriorate as quickly as we buy them and absenteeism would climb astronomically. What is so unique about our district is, it's 5000 square miles size and reported unpaved road transportation nears 400,000 miles. What the McKinley County Roads Department maintains include grading, placing gravel with some degree of compaction, repair work on drainage appurtenances and providing drainage solutions to rain damaged areas. Gallup-McKinley County School District is still expanding. A new high school is under design in Pueblo Pintado. A safe bridge is absolutely essential right next to the new school site.

Senator, I recall 3 years ago that you took a ride in one of our buses west of Gallup. I understand you enjoyed the rough ride. I thank you for taking the time from your busy schedule to visit our school district.

I am confident that the reauthorization of TEA–21 will be an historic event because this piece of legislation indeed relates to the No Child Left Behind initiative. All weather and safe roads provide the means to get the children to school on time. Absentees and tardiness are discouraged with a reliable transportation to school. I urge your colleagues to jump on the bandwagon and support the Indian School Bus Route Safety Reauthorization Act of 2003. Please call me if you have any questions.

Sincerely,

KAREN S. WHITE,
Acting Superintendent.

THE NAVAJO NATION,
ROCK SPRINGS CHAPTER,
Yah-Ta-Hey, NM.

Resolution of Rock Springs Chapter Eastern Navajo Agency—District 16

Requesting and Recommending to the United States Senators, Honorable Jeff Bingaman and Honorable Pete Dominci to Reauthorize the TEA–21 Bill for Continued Funding to the County of McKinley, State of New Mexico for Improvement of School Bus Routes Leading to and within the Navajo Indian Reservation which is Supported by Rock Springs Chapter Community.

Whereas:

1. The Rock Springs Chapter is a certified chapter and recognized by the Navajo Nation Council, pursuant to CAP–34–98, the Navajo Nation Council adopted the Navajo Nation Local governance act (LGA) which directs local chapters to promote all matters that affect the local community members and to make appropriate decisions, recommendation and advocate on their behalf, and;

2. The Rock Springs Chapter is requesting and recommending to the United States Senators, Honorable Jeff Bingaman and Honorable Pete Dominci to Re-authorize the TEA–21 bill for Continued funding to the County of McKinley, State of New Mexico for improvement of school bus routes leading to and within the Navajo Indian Reservation which is supported by Rock Springs Chapter Community, and;

3. The Rock Springs Chapter is established to plan, promote, and coordinate the community, economic, and social development for the community, including an oversight of coordinator and support for federal, state, tribal, and other programs and entities; and

4. The Rock Springs Chapter Community are highly concerned of their students attendance due to poor road conditions, lack of improving and maintaining bus routes and how it effects the daily transports of students as well as daily travel for community members, and:

5. There are vest miles of (dirt roads) school bus routes that still require improvement. Poor roads contribute to poor education, health issues, economic growth, unemployment, and fatalities in our rural (community) county.

Now, therefore be it

Resolved:

1. The Rock Springs Chapter strongly supports the foregoing resolution to the United States Senators, Honorable Jeff Bingaman and Honorable Pete Dominici to Re-authorize the TEA–21 Bill for Continued funding to the County of McKinley, State of New Mexico for improvement of school bus routes leading to and within the Navajo Indian Reservation.

2. The Rock springs Chapter Community hereby supports the continuation of improving and upgrading the vast miles of dirt roads school bus routes.

CERTIFICATION

We, hereby certify that the foregoing resolution was duly presented and considered by the Rock Springs Chapter at duly called chapter meeting at Rock Springs Chapter, New Mexico (Navajo Nation) at which a quorum was present and the same was passed with a vote of 33 in favor, 00 opposed and 00 abstained on this 18th of February, 2003.

RAYMOND EMERSON,
Chapter President.
HARRIETT K. BECENTI,
Council Delegate.
LUCINDA ROANHORSE,
Acting Community Services Coordinator.

SAN JUAN COUNTY COMMISSION,
Monticello, UT, January 6, 2003.

Hon. JEFF BINGAMAN
U.S. Senator, Washington, DC.

Re: Indian School Bus Route Safety Reauthorization Act of 2003.

DEAR SENATOR BINGAMAN: San Juan County, Utah wants to express our appreciation to you for your efforts to secure funding to improve the Indian School Bus Routes. San Juan County has approximately 25% of the total land area on the Utah portion of the Navajo Nation.

The County is currently maintaining 611 miles of roads on the Navajo Nation. 357 miles are natural surface, 164 miles are of a gravel surface and 90 miles are paved. Most of these roads are used by school bus in the transportation of students to and from the different schools.

The County has three high schools that are operated by the San Juan School District on the Utah portion of the Navajo Nation (Whitehorse High School in Montezuma Creek, Monument Valley High School in Monument Valley and Navajo Mountain High School in Navajo Mountain). In addition, the school district has two elementary schools located in Halchita, near Mexican Hat and in Montezuma Creek. The Bureau of Indian Affairs has two boarding schools that also operate within the County boundaries at Aneth and Navajo Mountain. In addition there are pre-schools that are located in Monument Valley, Halchita, Toda, and montezuma Creek.

One major example of these funds that have been previously used was to pave the nearly six mile section of road in the Navajo Mountain area. Navajo Mountain is an isolated community located in the southwestern corner of San Juan County. There is a single highway in and out of the community, with the nearest community located over seventeen miles to the south in Arizona. The road still is dirt for ten miles south of the Utah boundary, but the County was able to pave the road on the Utah side this past year making the road passable year round and greatly improving the safety for the students and residents.

We would strongly encourage the re-authorization of these funds for this important need.

Very truly,

TY LEWIS,
Commissioner.
MANUEL MORGAN,
Commissioner.
LYNN H. STEVENS,
Commissioner.

SAN JUAN COUNTY,
Aztec, NM, January 9, 2003.

Senator JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

HON. SENATOR BINGAMAN:

We are aware that Congress will be considering bills to reauthorize the TEA–21 funding for local roads that provide access to the Navajo Reservation. These funds are of special significance to San Juan County.

The Public Works Department of San Juan County regularly maintains over 400 miles of roads that are adjacent to or provide access to the Navajo Reservation. These roads are critical to the population in the service areas. School buses depend on our County workers to keep the roads maintained and to provide other essential services.

Over the past five years, we have received $953,688 from the TEA–21 program for the maintenance of roads and bridges in these areas. The assistance received under this program will be crucial if we wish to continue to provide these much needed services to the residents on the Navajo Reservation and their visitors.

I would like to thank you for your hard work on behalf of the citizens on San Juan County and urge you to support legislation that would extend the TEA–21 Program.

Sincerely,

TONY ATKINSON,
County Manager.

NAVAJO COUNTY BOARD OF SUPERVISORS,
Holbrook, AZ, December 18, 2002.

Senator JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

Re: TEA–21 Funding for Maintenance of School Bus Routes.

DEAR SENATOR BINGAMAN: Navajo County has used the TEA–21 funding since its inception to maintain school bus routes located on reservation lands within the county. In order to best use these funds, we have entered into agreements with the Bureau of Indian Affairs and various established school districts. These agreements allow us to expand the budgets for roads in the school districts and receive maximum benefit for funds spent.

The funding to date has been spent as follows: Funding of road worker salaries—$63,226; Purchase of road working equipment—$215,651; Purchase of road building materials—$173,313.

The material, labor and equipment helps to maintain over 1,300 miles of school bus routes. Even though these funds are extremely helpful, the current amount of funding is inadequate to meet the needs that are encountered in these remote lands.

Navajo County fully supports your efforts to not only continue the present funding, but also the efforts to increase the annual amount. If this funding was not available, the school children on the reservation would be the ones who suffer.

Please continue your efforts to enhance the TEA–21 funds. If you need further information, please call me at (928) 524–4053.

Sincerely,

JESSE THOMPSON,
Supervisor.

RESOLUTION OF THE TRI-STATE COUNTY ASSOCIATION (NEW MEXICO, ARIZONA AND UTAH)

Whereas, the Tri-State County Association met on September 20, 2002, in St. Michael's Arizona, to discuss the proposed Bill by Senator Jeff Bingaman cited as the ''Tribal Transportation Program Improvement Act of 2002''; and,

Whereas, Counties in New Mexico, Arizona and Utah, are faced with maintaining miles of unpaved roads serving Federally owned land or Indian Reservations; and

Whereas, Section 1214 of Transportation Equity Act for the 21st Century priovided $1.5 Million per year beginning October 1, 1998, for six years; to eligible Counties to maintain public raods which provide access to an Indian Reservation or is used by school buses to transport children to Headstart Programs; and,

Whereas, Congress has designated the Secretary of Transportation to divide each fiscal year the $1.5 Million equally between the States of New Mexico, Arizona and Utah, through the State Highway Department of State Department of Transportation to eligible Counties (San Juan and McKinley, NM; Navajo, Apache, Coconino, AZ; and San Juan, UT.); and,

Whereas, Each County receiving the special appropriation were able to complete additional schools bus route improvements on roads that would not have been improved otherwise; and

Whereas, the need for school bus route improvements greatly exceed the annual allocation provided for each County and the allocation should be increased under the reauthorization of the Transportation Bill.

Now, therefore be it

Resolved, by the Tri-State County Association, to support the ''Tribal Transportation Program Improvement Act of 2002,'' as proposed by Senator Jeff Bingaman, which includes additional funding for maintenance of school bus routes on Indian Reservations.

STATE OF NEW MEXICO COUNTY OF MCKINLEY

Whereas, the Board of Commissioners did meet in *regular* session on February 27, 2001; and

Whereas, Section 1214(d) of the Transportation Equity Act for the 21st Century (TEA–21) provides additional funding for States that have within their boundaries all or part of an Indian Reservation having a land area of 10,000,000 acres or more; and,

Whereas, the only Indian Reservation meeting this criteria is the Navajo Indian Reservation in Arizona, New Mexico and Utah; and ,

Whereas, the three States equally divide the $1,500,000 among the various Counties to maintain public roads which are within, adjacent to, or accessing the Navajo Indian Reservation which are used to transport children to or from a school or Headstart Program and are maintained by the County; and

Whereas, McKinley County has demonstrated the fiscal capacity to implement and administer funds allocated through the New Mexico State Highway and Transportation Department to complete 19.3 miles through FY–00.

Now therefore be it

Resolved, by the Board of Commissioners or McKinley County, to request Congressional support to increase the allocation under Section 1214(d) of the Transportation Equity Act for the 21st Century (TEA–210 to improve school bus routes within, adjacent to, or accessing, the Navajo Reservation after FY–03.

By Ms. CANTWELL (for herself, Mr. THOMAS, Mr. LEAHY, Mr. SMITH, Mr. WYDEN, Ms. SNOWE, Mr. DURBIN, Mr. HAGEL, Mr. ROBERTS, and Mr. CHAMBLISS):

S. 529. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today with Senator CRAIG THOMAS to introduce legislation that would exclude loan repayments made through the National Health Service Corps from taxable income. I am pleased that Senators LEAHY, SMITH, WYDEN, SNOWE, DURBIN, HAGEL, ROBERTS, and CHAMBLISS are also cosponsoring this important legislation.

There have been many developments in the area of health care in the last few years from managed care reform, to increases in biomedical research, the mapping of the human genome, and the use of exciting new technologies in both rural and urban areas such as telemedicine. In fact, it seems that almost every day we hear of astounding new scientific breakthroughs. But unfortunately, while we are making great

strides in the quality of health care, we are losing ground on the access to health care for so many.

The sad truth is that there are currently 38.7 million Americans without health insurance coverage—9.2 million of whom are children. In Washington, before the recession, 13.3 percent of the population, and 155,000 children, lacked health insurance. That is undoubtedly higher today.

Access to health insurance for the uninsured is of the utmost importance—we know that at the very least, health insurance means the difference between timely and delayed treatment and at worst between life and death. In fact, the uninsured are four times as likely as the insured to delay or forego needed care—and uninsured children are six times as likely as insured children to go without needed medical care.

But even insurance isn't enough if there are no available providers. Hospitals and other health care providers across the country are facing an increasingly uncertain future. The sad truth is that it is increasingly more difficult to recruit health care providers to work with underserved communities—especially in rural areas. In addition to economic pressures, rural areas must overcome the environmental issues involved with recruiting a doctor who may have been raised, educated, and trained in an urban setting.

The National Health Service Corps was created in 1970 by Senator Warren Magnuson, one of the most distinguished Senators to come from Washington State. He saw the need to put primary care clinicians in rural communities and inner-city neighborhoods, and developed this program to fill that need.

Since then, the Corps has placed over 22,000 health professionals in rural or urban health professions shortage areas. There is no doubt that National Health Service Corps has been extremely successful. In fact, the most recent available data show that more than 70 percent of providers continued to provide services to underserved communities after their Corps obligation was fulfilled—80 percent of these health care providers stayed in the community in which they had originally been placed.

During the last August recess, I had the opportunity to travel throughout Washington State and held 15 community discussions on health care. I met patients who would not have access to health services but for the providers there through the Corps and I met many doctors who have been living in our rural communities for years because of their Corps' placements. And because it has been so successful—right now in Washington State there are 75 physicians or other health professionals working in underserved areas that would not otherwise be here—we must do everything possible to support this program.

Under current law, the National Health Service Corps provides scholarships, loan repayments, and stipends for clinicians who agree to serve in urban and rural communities with severe shortages of health care providers. In 1986 the IRS ruled that all payments made under the program are considered taxable income. Understanding the immediate detriment to scholarship recipients, who were forced to pay the tax out of their own pockets, Congress eliminated the scholarship tax in 2001. And while the scholarship program is now not considered taxable income to the IRS, the loan repayments and stipends are.

By statute, the current loan program awards also include a tax assistance payment equal to 39 percent of the loan repayment amount, which is to be used by the recipient offset his or tax liability resulting from the loan repayment ''income.'' This means that nearly 40 percent of the Federal loan repayment budget goes to pay taxes on the loan repayment ''income'' alone. If these Federal payments were not taxed, and the funding was freed up, more health professions students could take advantage of the loan repayment program, and could be placed in shortage areas, thereby increasing access to health care in both urban and rural areas.

This is not a new problem. The tax burden that accompanies the National Health Service Corps loan payments is a significant deterrent to increasing the number of clinicians enrolling in the Corps. I do not want to see a situation where, as happened several years ago, over 300 applicants actually left underserved areas because the Corps could not fully fund the loan repayment program.

The legislation we are introducing today, the National Health Service Corps Loan Repayment Act, would address this disincentive, making the Corps available to more medical and health professionals, and thereby bringing more providers into underserved areas. If loan repayments are excluded from taxation, the National Health Service Corps will have greater resources to provide aid to health professionals seeking loan repayment, and will be able to increase the number of providers in underserved areas.

There is no doubt that strengthening the National Health Service Corps is a win-win situation. Corps scholarships help finance education for future primary care providers interested in serving the underserved. In return, graduates serve those communities where the need for primary health care is greatest.

The bill is supported by over 20 national organizations including the National Rural Health Association, the National Association of Community Health Centers, the Association of American Medical Colleges, and the American Medical Student Association. I am especially pleased that the Washington State Medical Association is supporting this bill. I ask unanimous consent that the complete list be included in the RECORD after my statement.

I understand that there are no easy solutions to the health care problems we are facing right now. But we need to do something—even if it is taking small steps forward, and come in at this problem from many different angles.

I urge my colleagues to look at this bill and to join us in expanding this vitally important and immediately successful program.

Mr. THOMAS. I am pleased to rise today to introduce the National Health Service Corps Loan Repayment Act with my colleague from Washington, Ms. Cantwell. Specifically, this legislation will exclude loan repayments made through National Health Service Corps, NHSC, program from taxable income. Enactment of the National Health Service Corps Loan Repayment Act would increase the amount of Federal dollars available so more students could participate in the NHSC program.

Under current law, the NHSC provides scholarships, loan repayments, and stipends for clinicians who agree to serve in national designated underserved urban and rural communities. The tax law changes in 1986 resulted in the IRS ruling that all NHSC payments were taxable. Congress eliminated the tax on the scholarship in 2001, but the loan repayments and stipends continue to be taxed.

To assist loan repayment recipients with their tax burden, the NHSC loan program includes an additional payment equal to 39 percent of the loan repayment amount so the loan repayment recipient can pay his or her taxes. Close to 40 percent of the NHSC Federal loan repayment budget goes to pay taxes on the loan repayment ''income.'' The current situation should not be allowed to continue. Given the fiscal restraints we are facing, we must ensure that Federal dollars are spent efficiently and effectively. It is obvious that today's NHSC loan repayment structure does not meet that goal. Our legislation resolves this issue.

For over 30 years, the National Health Service Corps, NHSC, program has literally been a lifeline for many underserved communities across the country that otherwise would not have a heath care provider. I know this program is critically important to my State of Wyoming and to many other rural States that have difficulties recruiting and retaining primary health care clinicians.

There are 2,800 health professional shortage areas, 740 mental health shortage areas and 1,200 dental health shortage areas now designated across the country. However, the NHSC program is meeting less than 13 percent of the current need for primary care providers and less than 6 percent of need for mental health and dental services. The National Health Service Corps Loan Repayment Act would increase

the number of students in the program and allow more providers to be placed in these shortage areas.

The National Health Service Corps Loan Repayment Act is crucial to the future well-being of many of our rural communities. I strongly urge all my colleagues to support this important legislation.

By Mr. KERRY:

S. 530. A bill to amend title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty; to the Committee on Governmental Affairs.

Mr. KERRY. Mr. President, today I am introducing legislation on behalf of thousands of Federal firefighters and emergency response personnel worldwide who, at great risk to their own personal health and safety, protect America's defense, our veterans, Federal wildlands, and national treasures. Although the majority of these important Federal employees work for the Department of Defense, Federal firefighters are also employed by the Department of Veterans Affairs, and the U.S. Park Service. From first response emergency care services on military installations around the world to frontline defense against raging forest fires here at home, we call on these brave men and women to protect our national interests.

Yet under Federal law, compensation and retirement benefits are not provided to Federal employees who suffer from occupational illnesses unless they can specify the conditions of employment which caused their disease. This onerous requirement makes it nearly impossible for Federal firefighters, who suffer from occupational diseases, to receive fair and just compensation or retirement benefits. The bureaucratic nightmare they must endure is burdensome, unnecessary, and in many cases, overwhelming. It is ironic and unjust that the very people we call on to protect our Federal interests are not afforded the very best health care and retirement benefits our Federal Government has to offer.

Today, I introduced legislation, the Federal Fire Fighters Fairness Act of 2003, which amends the Federal Employees Compensation Act to create a presumptive disability for firefighters who become disabled by heart and lung disease, cancers such as leukemia and lymphoma, and infectious diseases like tuberculosis and hepatitis. Disabilities related to the cancers, heart, lung, and infectious diseases enumerated in this important legislation would be considered job related for purposes of workers compensation and disability retirement—entitling those affected to the health care coverage and retirement benefits that they deserve.

Too frequently, the poisonous gases, toxic byproducts, asbestos, and other hazardous substances with which Federal firefighters and emergency response personnel come in contact, rob them of their health livelihood, and professional careers. The Federal Government should not rob them of necessary benefits. Thirty-eight States have already enacted a similar disability presumption law for Federal firefighters' counterparts working in similar capacities on the State and local levels.

The effort behind the Federal Firefighters Fairness Act of 2003 marks a significant advancement for firefighter health and safety. Since September 11, there has been an enhanced appreciation for the risks that firefighters and emergency response personnel face every day. Federal firefighters deserve our highest commendation and it is time to do the right thing for these important Federal employees.

The job of firefighting continues to be complex and dangerous. The nationwide increase in the use of hazardous materials, the recent rise in both natural and manmade disasters, and the threat of terrorism pose new threats to firefighter health and safety. The Federal Fire Fighters Fairness Act of 2003 will help protect the lives of our firefighters and it will provide them with a vehicle to secure their health and safety.

I urge my colleagues to embrace this bipartisan effort and support the Federal Fire Fighters Fairness Act of 2003 on behalf of our Nation's Federal firefighters and emergency response personnel.

By Mr. DORGAN (for himself and Mr. JOHNSON):

S. 531. A bill to direct the Secretary of the Interior to establish the Missouri River Monitoring and Research Program, to authorize the establishment of the Missouri River Basin Stakeholder Committee, and for other purposes; to the Committee on Environment and Public Works.

Mr. DORGAN. Mr. President, I am pleased my colleague from South Dakota, Senator TIM JOHNSON, is joining me today in introducing this Missouri River Enhancement and Monitoring Act of 2003, and I thank him for his efforts in working with me on this legislation. This bill will establish a program to conduct research on, and monitor the health of, the Missouri River to help recover threatened and endangered species, such as the pallid sturgeon and piping plover.

This bill will enable those who are active in the Missouri River Basin to collect and analyze baseline data, so that we can monitor changes in the health of the river and in species recovery in future years, as river operations change.

The program would also provide an analysis of the social and economic impacts along the river. And it would establish a stakeholder group to make recommendations on the recovery of the Missouri River ecosystem.

The bill establishes a cooperative working arrangement between State, regional, Federal, tribal entities that are active in the Missouri River Basin. I look forward to working with all of the stakeholders in the basin to implement this important legislation.

I am especially pleased that this legislation is supported by a broad range of stakeholders, including the North Dakota State Water Commission; the North Dakota Game and Fish Department; the Missouri River Natural Resources Committee; the Missouri River Basin Association; the South Dakota Department of Game, Fish and Parks; American Rivers; and Environmental Defense.

I am confident this legislation will enjoy bipartisan support because of its significance in helping to monitor and restore the health of this historic river. Lewis and Clark traveled on this river. This river also contributes to $80 million in recreation, fishing, and tourism benefits in the basin. I look forward to participating in hearings on this bill and hope we will be able to pass it into law in the near future.

I ask unanimous consent that this bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Missouri River Enhancement and Monitoring Act of 2003''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CENTER.—The term ''Center'' means the River Studies Center of the Biological Resources Division of the United States Geological Survey, located in Columbia, Missouri.

(2) COMMITTEE.—The term ''Committee'' means the Missouri River Basin Stakeholder Committee established under section 4(a).

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) PROGRAM.—The term ''program'' means the Missouri River monitoring and research program established under section 3(a).

(5) RIVER.—The term ''River'' means the Missouri River.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Biological Resources Division of the United States Geological Survey.

(7) STATE.—The term ''State'' means—

(A) the State of Iowa;

(B) the State of Kansas;

(C) the State of Missouri;

(D) the State of Montana;

(E) the State of Nebraska;

(F) the State of North Dakota;

(G) the State of South Dakota; and

(H) the State of Wyoming.

(8) STATE AGENCY.—The term ''State agency'' means an agency of a State that has jurisdiction over fish and wildlife of the River.

SEC. 3. MISSOURI RIVER MONITORING AND RESEARCH PROGRAM.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish the Missouri River monitoring and research Program—

(1)(A) to coordinate the collection of information on the biological and water quality characteristics of the River; and

(B) to evaluate how those characteristics are affected by hydrology;

(2) to coordinate the monitoring and assessment of biota (including threatened or endangered species) and habitat of the River; and

(3) to make recommendations on means to assist in restoring the ecosystem of the River.

(b) CONSULTATION.—In establishing the program under subsection (a), the Secretary shall consult with—

(1) the Biological Resources Division of the United States Geological Survey;

(2) the Director of the United States Fish and Wildlife Service;

(3) the Chief of Engineers;

(4) the Western Area Power Administration;

(5) the Administrator of the Environmental Protection Agency;

(6) the Governors of the States, acting through—

(A) the Missouri River Natural Resources Committee; and

(B) the Missouri River Basin Association; and

(7) the Indian tribes of the Missouri River Basin.

(c) ADMINISTRATION.—The Center shall administer the program.

(d) ACTIVITIES.—In administering the program, the Center shall—

(1) establish a baseline of conditions for the River against which future activities may be measured;

(2) monitor biota (including threatened or endangered species), habitats, and the water quality of the River;

(3) if initial monitoring carried out under paragraph (2) indicates that there is a need for additional research, carry out any additional research appropriate to—

(A) advance the understanding of the ecosystem of the River; and

(B) assist in guiding the operation and management of the River;

(4) use any scientific information obtained from the monitoring and research to assist in the recovery of the threatened species and endangered species of the River; and

(5) establish a scientific database that shall be—

(A) coordinated among the States and Indian tribes of the Missouri River Basin; and

(B) readily available to members of the public.

(e) CONTRACTS WITH INDIAN TRIBES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall enter into contracts in accordance with section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) with Indian tribes that have—

(A) reservations located along the River; and

(B) an interest in monitoring and assessing the condition of the River.

(2) REQUIREMENTS.—A contract entered into under paragraph (1) shall be for activities that—

(A) carry out the purposes of this Act; and

(B) complement any activities relating to the River that are carried out by—

(i) the Center; or

(ii) the States.

(f) MONITORING AND RECOVERY OF THREATENED SPECIES AND ENDANGERED SPECIES.—The Center shall provide financial assistance to the United States Fish and Wildlife Service and State agencies to monitor and recover threatened species and endangered species, including monitoring the response of pallid sturgeon to reservoir operations on the mainstem of the River.

(g) GRANT PROGRAM.—

(1) IN GENERAL.—The Center shall carry out a competitive grant program under which the Center shall provide grants to States, Indian tribes, research institutions, and other eligible entities and individuals to conduct research on the impacts of the operation and maintenance of the mainstem reservoirs on the River on the health of fish and wildlife of the River, including an analysis of any adverse social and economic impacts that result from reoperation measures on the River.

(2) REQUIREMENTS.—On an annual basis, the Center, the Director of the United States Fish and Wildlife Service, the Director of the United States Geological Survey, and the Missouri River Natural Resources Committee, shall—

(A) prioritize research needs for the River;

(B) issue a request for grant proposals; and

(C) award grants to the entities and individuals eligible for assistance under paragraph (1).

(h) ALLOCATION OF FUNDS.—

(1) CENTER.—Of amounts made available to carry out this section, the Secretary shall make the following percentages of funds available to the Center:

(A) 35 percent for fiscal year 2004.

(B) 40 percent for fiscal year 2005.

(C) 50 percent for each of fiscal years 2006 through 2018.

(2) STATES AND INDIAN TRIBES.—Of amounts made available to carry out this section, the Secretary shall use the following percentages of funds to provide assistance to States or Indian tribes of the Missouri River Basin to carry out activities under subsection (d):

(A) 65 percent for fiscal year 2004.

(B) 60 percent for fiscal year 2005.

(C) 50 percent for each of fiscal years 2006 through 2018.

(3) USE OF ALLOCATIONS.—

(A) IN GENERAL.—Of the amount made available to the Center for a fiscal year under paragraph (1)(C), not less than—

(i) 20 percent of the amount shall be made available to provide financial assistance under subsection (f); and

(ii) 33 percent of the amount shall be made available to provide grants under subsection (g).

(B) ADMINISTRATIVE AND OTHER EXPENSES.—Any amount remaining after application of subparagraph (A) shall be used to pay the costs of—

(i) administering the program;

(ii) collecting additional information relating to the River, as appropriate;

(iii) analyzing and presenting the information collected under clause (ii); and

(iv) preparing any appropriate reports, including the report required by subsection (i).

(i) REPORT.—Not later than 3 years after the date on which the program is established under subsection (a), and not less often than every 3 years thereafter, the Secretary, in cooperation with the individuals and agencies referred to in subsection (b), shall—

(1) review the program;

(2) establish and revise the purposes of the program, as the Secretary determines to be appropriate; and

(3) submit to the appropriate committees of Congress a report on the environmental health of the River, including—

(A) recommendations on means to assist in the comprehensive restoration of the River; and

(B) an analysis of any adverse social and economic impacts on the River, in accordance with subsection (g)(1).

SEC. 4. MISSOURI RIVER BASIN STAKEHOLDER COMMITTEE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Governors of the States and the governing bodies of the Indian tribes of the Missouri River Basin shall establish a committee to be known as the ''Missouri River Basin Stakeholder Committee'' to make recommendations to the Federal agencies with jurisdiction over the River on means of restoring the ecosystem of the River.

(b) MEMBERSHIP.—The Governors of the States and governing bodies of the Indian tribes of the Missouri River Basin shall appoint to the Committee—

(1) representatives of—

(A) the States; and

(B) Indian tribes of the Missouri River Basin;

(2) individuals in the States with an interest in or expertise relating to the River; and

(3) such other individuals as the Governors of the States and governing bodies of the Indian tribes of the Missouri River Basin determine to be appropriate.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) to carry out section 3—

(A) $6,500,000 for fiscal year 2004;

(B) $8,500,000 for fiscal year 2005; and

(C) $15,100,000 for each of fiscal years 2006 through 2018; and

(2) to carry out section 4, $150,000 for fiscal year 2004.

By Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mr. BINGAMAN, and Mr. MCCAIN):

S. 532. A bill to enhance the capacity of organizations working in the United States-Mexico border region to develop affordable housing and infrastructure and to foster economic opportunity in the colonias; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. HUTCHISON. Mr. President, today I rise to introduce legislation to improve the deplorable housing situation in the valley region of the Texas border with Mexico. Our colonias are among the most distressed areas of the country.

In 1993 when I ran for the Senate, I visited with a woman named Elida Bocanegra who led me through the streets of the colonia where she lived. Elida showed me her community and, quite frankly, I couldn't believe I was in America. Since my election to the Senate, I have worked to improve living conditions and the quality of life for people such as Elida, helping to secure more than $615 million for the colonias of my State. In fact, my first amendment as a Senator authorized $50 million for a colonias clean-up project.

Despite third world living conditions, colonias, or underdeveloped subdivisions, have grown in population. Along the 1,248 mile stretch from Cameron County to El Paso County in Texas, there are more than 1,400 colonias that suffer from such conditions as open sewage, a lack of indoor plumbing, and poor housing construction.

The Colonias Gateway Initiative Act establishes annual competitive grants for nonprofit organizations which work to develop affordable housing, improve infrastructure, and foster economic opportunities. My bill would authorize the Secretary of Housing and Urban Development to award $16 million in the fiscal year 2004 and appoint a nine-member advisory board consisting of colonias residents and service providers to facilitate communication. This bill will bring quality-of-life improvements to those who need it most, providing

the most basic services like indoor plumbing. It will also provide funds to build affordable housing. This piece of legislation I introduce today will fulfill the most basic needs of these communities. As you can see, the Colonias Gateway Initiative Act will assist our neediest people, foster economic opportunity, and vastly improve the quality of life. Mr. President, I ask unanimous consent that a copy of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Colonias Gateway Initiative Act''.

SEC. 2. COLONIAS GATEWAY INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) COLONIA.—The term ''colonia'' means any identifiable community that—

(A) is located in the State of Arizona, California, New Mexico, or Texas;

(B) is located in the United States-Mexico border region;

(C) is determined to be a colonia on the basis of objective criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and

(D) was in existence and generally recognized as a colonia before the date of enactment of this Act.

(2) REGIONAL ORGANIZATION.—The term ''regional organization'' means a nonprofit organization or a consortium of nonprofit organizations with the capacity to serve colonias.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(4) UNITED STATES-MEXICO BORDER REGION.—The term ''United States-Mexico border region'' means the area of the United States within 150 miles of the border between the United States and Mexico, except that such term does not include any standard metropolitan statistical area that has a population exceeding 1,000,000.

(b) GRANT PROGRAM.—To the extent amounts are made available to carry out this section, the Secretary may make grants under this section to 1 or more regional organizations to enhance the availability of affordable housing, economic opportunity, and infrastructure in the colonias.

(c) GRANTS.—

(1) IN GENERAL.—Grants under this section may be made only to regional organizations selected pursuant to subsection (d).

(2) SELECTION.—After a regional organization has been selected pursuant to subsection (d) to receive a grant under this section, the Secretary may provide a grant to such organization in subsequent fiscal years, subject to subsection (f)(2).

(d) SELECTION OF REGIONAL ORGANIZATIONS.—

(1) IN GENERAL.—The Secretary shall select 1 or more regional organizations that submit applications for grants under this section to receive such grants.

(2) COMPETITION.—The selection under paragraph (1) shall be made pursuant to a competition, which shall—

(A) consider the proposed work plan of the applicant under subsection (f); and

(B) be based upon the criteria described in paragraph (3).

(3) CRITERIA.—Criteria for the selection of a grant recipient shall include a demonstration of the extent to which the applicant organization has the capacity to—

(A) enhance the availability of affordable housing, economic opportunity, and infrastructure in the colonias by carrying out the eligible activities set forth in subsection (g);

(B) provide assistance in each State in which colonias are located;

(C) form partnerships with the public and private sectors and local and regional housing and economic development intermediaries to leverage and coordinate additional resources to achieve the purposes of this section;

(D) ensure accountability to the residents of the colonias through active and ongoing outreach to, and consultation with, residents and local governments; and

(E) meet such other criteria as the Secretary may specify.

(4) DISTRIBUTION OF FUNDING.—In making the selection under paragraph (1), the Secretary shall ensure that—

(A) each State in the United States-Mexico border region receives a grant under this Act; and

(B) each State receives not less than 15 percent of the amounts appropriated to carry out this Act.

(e) ADVISORY BOARD.—

(1) MEMBERSHIP.—The Secretary shall appoint an Advisory Board that shall consist of 9 members, who shall include—

(A) 1 individual from each State in which colonias are located;

(B) 3 individuals who are members of nonprofit or private sector organizations having substantial investments in the colonias, at least 1 of whom is a member of such a private sector organization; and

(C) 2 individuals who are residents of a colonia.

(2) CHAIRPERSON.—

(A) IN GENERAL.—The Secretary shall designate a member of the Advisory Board to serve as Chairperson for a 1-year term.

(B) ALTERNATING CHAIRPERSON.—At the end of the 1-year term referred to in subparagraph (A), the Secretary shall designate a different member to serve as Chairperson, ensuring that the Chairperson position rotates to a member from every State in which colonias are located.

(3) TERM.—Advisory Board members shall be appointed for 2-year terms that shall be renewable at the discretion of the Secretary.

(4) COMPENSATION.—Advisory Board members shall serve without compensation, but the Secretary may provide members with travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(5) FUNCTIONS.—The Advisory Board shall—

(A) assist any regional organization that receives a grant under this section in the development and implementation of its final work plan under subsection (f);

(B) review and approve all final work plans;

(C) assist the Secretary in monitoring and evaluating the performance of any regional organization in implementing its final work plan; and

(D) provide such other assistance as the Secretary may request.

(f) WORK PLANS.—

(1) APPLICATION.—Each regional organization applying for a grant under this section shall include in its application a proposed work plan.

(2) ANNUAL SUBMISSION.—To be eligible to continue receiving annual grants under this section after selection pursuant to subsection (d), a regional organization shall, on an annual basis after such selection and subject to the determination of the Secretary to continue to provide grant amounts to such regional organization, submit a proposed work plan to the Advisory Board and the Secretary for review and approval.

(3) FINAL WORK PLAN.—In any fiscal year, including the fiscal year in which any regional organization is selected pursuant to subsection (d), prior to final determination and allocation of specific grant amounts, each selected regional organization shall, with the assistance of the Advisory Board, develop a final work plan that thoroughly describes how the regional organization will use specific grant amounts to carry out its functions under this section, which shall include—

(A) a description of outcome measures and other baseline information to be used to monitor success in promoting affordable housing, economic opportunity, and infrastructure in the colonias;

(B) an account of how the regional organization will strengthen the coordination of existing resources used to assist residents of the colonias, and how the regional organization will leverage additional public and private resources to complement such existing resources;

(C) an explanation, in part, of the effects that implementation of the work plan will have on areas in and around colonias; and

(D) such assurances as the Secretary may require that grant amounts will be used in a manner that results in assistance and investments for colonias in each State containing colonias, in accordance with requirements that the Advisory Board and the Secretary may establish that provide for a minimum level of such investment and assistance as a condition of the approval of the work plans.

(4) APPROVAL.—

(A) IN GENERAL.—No grant amounts under this section for a fiscal year may be provided to a regional organization until the Secretary approves the final work plan of the organization, including a specific grant amount for the organization.

(B) CONSIDERATIONS.—In determining whether to approve a final work plan, the Secretary shall consider whether the Advisory Board approved the plan.

(C) NONAPPROVAL OF PLAN.—To the extent that the Advisory Board or the Secretary does not approve a work plan, the Advisory Board or the Secretary shall, to the maximum extent practicable, assist the selected regional organization that submitted the plan to develop an approvable plan.

(g) ELIGIBLE ACTIVITIES.—Grant amounts under this section may be used only to carry out eligible activities to benefit the colonias, including—

(1) coordination of public, private, and community-based resources and the use of grant amounts to leverage such resources;

(2) technical assistance and capacity building, including training, business planning and investment advice, and the development of marketing and strategic investment plans;

(3) initial and early-stage investments in activities to provide—

(A) housing, infrastructure, and economic development;

(B) housing counseling and financial education, including counseling and education about avoiding predatory lending; and

(C) access to financial services for residents of colonias;

(4) development of comprehensive, regional, socioeconomic, and other data, and the establishment of a centralized information resource, to facilitate strategic planning and investments;

(5) administrative and planning costs of any regional organization in carrying out this section, except that the Secretary may limit the amount of grant funds used for such costs; and

(6) such other activities as the Secretary considers appropriate to carry out this section.

(h) GRANT AGREEMENTS.—A grant under this section shall be made only pursuant to a grant agreement between the Secretary and a regional organization selected under this section.

(i) TERMINATION AND RECAPTURE.—If the Secretary determines that a regional organization that was awarded a grant under this section has not substantially fulfilled its obligations under its final work plan or grant agreement, the Secretary shall terminate the participation of that regional organization under this section, and shall recapture any unexpended grant amounts.

(j) DETAILS FROM OTHER AGENCIES.—Upon request of any selected regional organization that has an approved work plan, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to that regional organization to assist it in carrying out its duties under this section.

(k) ENVIRONMENTAL REVIEW.—For purposes of environmental review, projects assisted by grant amounts under this section shall—

(1) be treated as special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547); and

(2) be subject to regulations issued by the Secretary to implement such section 305(c).

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $16,000,000 for fiscal year 2004; and

(2) such sums as may be necessary for each of fiscal years 2005 through 2009.

(m) SUNSET.—No new grants may be provided under this section after September 30, 2009.

By Mr. CAMPBELL:

S. 535. A bill to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty; to the Committee on Rules and Administration.

Mr. CAMPBELL. Mr. President, today I am introducing the Fallen Law Enforcement Officers and Firefighters Flag Memorial Act of 2003.

This bill would help honor the sacrifice of the men and women who lost their lives in the line of duty by providing Capitol-flown flags to the families of deceased law enforcement officers and firefighters.

Under this legislation, the family of a deceased law enforcement officer can request from the Attorney General that a flag be flown over the U.S. Capitol in honor of the slain officer. The Department of Justice shall pay the cost of the flags, including shipping, out of discretionary grant funds, and provide them to the victim's family.

As a former deputy sheriff, I know firsthand the risks which law enforcement officers face every day on the frontlines protecting our communities. I also have great appreciation, as the cochair of the Congressional Fire Caucus, for the service that our Nation's firefighters provide, day in and day out, and that all too often, they end up sacrificing their lives while saving others.

I believe providing a Capitol-flown flag is a fitting way to show our appreciation for fallen officers and firefighters who make the ultimate sacrifice. It also lets their families know that Congress and the Nation are grateful for their loved one's service.

I ask unanimous consent that the Fallen Law Enforcement Officers and Firefighters Flag Memorial Act of 2003 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fallen Law Enforcement Officers and Firefighters Flag Memorial Act of 2003''.

SEC. 2. CAPITOL-FLOWN FLAGS FOR FAMILIES OF DECEASED LAW ENFORCEMENT OFFICERS.

(a) AUTHORITY.—

(1) IN GENERAL.—The family of a deceased law enforcement officer may request, and the Attorney General shall provide to such family, a Capitol-flown flag, which shall be supplied to the Attorney General by the Architect of the Capitol. The Department of Justice shall pay the cost of such flag, including shipping, out of discretionary grant funds.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date on which the Attorney General establishes the procedure required by subsection (b).

(b) PROCEDURE.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish a procedure (including any appropriate forms) by which the family of a deceased law enforcement officer may request, and provide sufficient information to determine such officer's eligibility for, a Capitol-flown flag.

(c) APPLICABILITY.—This Act shall only apply to a deceased law enforcement officer who died on or after the date of enactment of this Act.

(d) DEFINITIONS.—In this Act—

(1) the term ''Capitol-flown flag'' means a United States flag flown over the United States Capitol in honor of the deceased law enforcement officer for whom such flag is requested; and

(2) the term ''deceased law enforcement officer'' means a person who was charged with protecting public safety, who was authorized to make arrests by a Federal, State, Tribal, county, or local law enforcement agency, and who died while acting in the line of duty.

SEC. 3. CAPITOL-FLOWN FLAGS FOR FAMILIES OF DECEASED FIREFIGHTERS.

(a) AUTHORITY.—The family of a paid or volunteer firefighter who dies in the line of duty may request, and the Director of the Federal Emergency Management Agency shall provide to such family, a capitol-flown flag, which shall be supplied to the Director by the Architect of the Capitol. The Federal Emergency Management Agency shall pay the cost of such flag, including shipping, out of discretionary grant funds.

(b) EFFECTIVE DATE.—This section shall take effect on the date on which the Attorney General establishes the procedure required by section 2(b).

By Mr. DEWINE (for himself, Mr. LEVIN, Ms. COLLINS, Mr. REED, Mr. VOINOVICH, and Ms. STABENOW):

S. 536. A bill to establish the National Invasive Species Council, and for other purposes; to the Committee on Environment and Public Works.

Mr. DEWINE. Mr. President, today I am pleased to join with Senators LEVIN, COLLINS, REED, VOINOVICH, and STABENOW, to introduce the National Invasive Species Council Act—a bill to permanently establish the National Invasive Species Council. The National Invasive Species Council was established by an Executive order so that the Federal Government can better coordinate to combat the economic, ecologic, and health threat of invasive species.

Invasive species are a national threat. Estimates of the annual economic damages caused by invasive species in this Nation are as high as $137 billion. To combat the serious threats posed by invasive species, we need Federal coordination and planning. Our bill would provide just that—on a permanent basis. Under this legislation, the Secretaries of State, Commerce, Transportation, Agriculture, Health & Human Services, Interior, Defense, and Treasury, along with the Administrators of EPA and USAID, would continue to work together through the Council to develop a National Invasive Species Management Plan.

Though the Council can continue to operate and develop invasive species management plans as they currently do, the GAO reported last year that implementing the national invasive species management plan is difficult because the Council does not have a congressional mandate to act. GAO also reported that most of the agencies that have responsibilities under the National Invasive Species Management Plan have been slow to complete activities by the due date established under the plan and the agencies do not always act in a coordinated manner. As my colleagues who are cosponsoring this bill know, invasive species are too great of a problem to be left unmanaged.

The duties of the Council are generally to coordinate Federal activities in an effective, complementary, cost-efficient manner; update the National Invasive Species Management Plan; ensure that Federal agencies implement the management plan; and develop recommendations for international cooperation. Agencies that do not implement the recommendations of the National Invasive Species Management Plan must report to Congress as to why the recommendations were not implemented. The Council is directed to develop guidance for Federal agencies on prevention, control, and eradication of invasive species so that Federal programs and actions do not increase the risk of invasion or spread nonindigenous species. And finally, the bill also establishes an Invasive Species Advisory Committee to the Council.

Ultimately, with a congressional mandate, the Council can enhance its effectiveness and better protect our environment from invasive species. I urge my colleagues to cosponsor this measure so that the Federal Government can improve its response to invasive species threat.

Mr. VOINOVICH. Mr. President, I rise today in support of the National Aquatic Invasive Species Act and the National Invasive Species Council Act. As a Senator representing a Great Lake State, I am proud to be an original cosponsor of both of these bills that are critical to the future of the Great Lakes ecosystem.

In my 36 years of public service, one of my greatest sources of comfort and accomplishment has been my work to help clean up and protect the environment, particularly Lake Erie.

Lake Erie's ecology has come a long way since I was elected to the state legislature in 1966. During that time, Lake Erie formed the northern border of my district and it was known worldwide as a dying lake, suffering from eutrophication. Lake Erie's decline was covered extensively by the media and became an international symbol of pollution and environmental degradation. I remember the British Broadcasting Company even sending a film crew to make a documentary about it. One reason for all the attention is that Lake Erie is a source of drinking water for 11 million people.

Seeing firsthand the effects of pollution on Lake Erie and the surrounding region, I knew we had to do more to protect the environment for our children and grandchildren. As a State legislator, I made a commitment to stop the deterioration of the lake and to wage the ''Second Battle of Lake Erie'' to reclaim and restore Ohio's Great Lake. I have continued this fight throughout my career as County Commissioner, state legislator, Mayor of Cleveland, Governor of Ohio, and United States Senator.

It is comforting to me that 36 years since I started my career in public service, I am still involved, as a member of the United States Senate and our Committee on Environment and Public Works, in the battle to save Lake Erie.

Today in Ohio, we celebrate Lake Erie's improved water quality. It is a habitat to countless species of wildlife, a vital resource to the area's tourism, transportation, and recreation industries, and the main source of drinking water for many Ohioans. Unfortunately, however, there is still a great deal that needs to be done to improve and protect Ohio's greatest natural asset.

Our current enemy is the aquatic invasive species that threaten the health and viability of the Great Lakes fishery and ecosystem. I am worried about these aquatic terrorists in the ballast water that enter the Great Lakes system through boats from all over the world. These species are already wreaking havoc in the lakes and will continue to do so until they are stopped.

Since the 1800s, over 145 invasive species have colonized in the Great Lakes. Since 1990, when legislation to address aquatic nuisance species was first enacted, we have averaged about one new invader each year. Clearly, we have not closed the door to invasive species. I am deeply troubled by the surge in new invasive species in Lake Erie, because once a species establishes itself, there is virtually no way to eliminate it.

As Mayor of Cleveland in the 1980s, I was alarmed about the introduction of zebra mussels into the Great Lakes and conducted the first national meeting to investigate the problem. It is a complicated situation and we are still learning how invasive species like the zebra mussel affect the ecosystem.

In early August, for example, I conducted a field hearing of the Environment and Public Works Committee to examine the increasingly extensive oxygen depletion or anoxia in the central basin of Lake Erie. This phenomenon has been referred to as a ''dead zone.'' Anoxia over the long term could result in massive fish kills, toxic algae blooms, and bad-tasting or bad-smelling water.

Anoxia is usually the result of decaying algae blooms which consume oxygen at the bottom of the lake. In the past, excessive phosphorus loading from point sources such as municipal sewage treatment plants were greatly responsible for algae blooms. Since 1965, the level of phosphorus entering the Lake has been reduced by about 50 percent. These reductions have resulted in smaller quantities of algae and more oxygen into the system.

In recent years, overall phosphorus levels in the Lake have been increasing, but the amount of phosphorus entering it has not. Scientists are unable to account for the increased levels of phosphorus in the Lake. One hypothesis is the influence of two aquatic nuisance species the zebra and quagga mussels. Although their influence is not well understood, they may be altering the way phosphorus cycles through the system.

Another way zebra mussels could be responsible for oxygen depletion in Lake Erie is due to their ability to filter and clear vast quantities of lake water. Clearer water allows light to penetrate deeper into the Lake, encouraging additional organic growth on the bottom. When this organic material decays, it consumes oxygen.

The possible link between Lake Erie's ''dead zone'' problem and aquatic nuisance species like the zebra mussel should underscore the importance of our legislation, the National Aquatic Nuisance Species Act. Over the last 30 years, we have made remarkable progress in improving water quality and restoring the natural resources of our Nation's aquatic areas, and we need to prevent any backsliding on this progress.

While aquatic invasive species are a particular problem because they readily spread through interconnected waterways and are difficult to treat safely, they represent only one piece of the problem. Both terrestrial and aquatic invasive species cause significant economic and ecological damage throughout North America. Recent estimates state that invasive species cost the U.S. at least $138 billion per year and that 42 percent of the species on the Threatened and Endangered Lists are at risk primarily due to invasive species.

In 1999, President Clinton issued an Executive Order creating the National Invasive Species Council to develop a national management plan for invasive species and bring together the federal agencies responsible for managing them. This was a promising action that has never been fully implemented. The National Invasive Species Management Plan was issued in 2001, but agencies with responsibilities under the plan have been slow to complete activities by the established due dates and the agencies do not always act in a coordinated manner.

The General Accounting Office released a report in October 2002 that claimed that implementing the Management Plan was being hampered by the lack of a congressional mandate for the Council. It is disturbing to me that this Council exists but is not making substantial progress. Make no mistake about it; these species are not waiting for the Federal Government to get all of its ducks in a row. They are continuing to take over the waters and lands of the U.S.

The National Invasive Species Council Act will fix this problem by legislatively establishing the Council. Because timing is so important, I urge my colleagues to act quickly on both of these bills to ensure that the National Invasive Species Management Plan is updated and fully implemented.

We must act quickly to strengthen the oversight of efforts preventing invasive species from wreaking havoc on the Great Lakes' aquatic habitat and throughout the U.S.

I look forward to working with my colleagues in the House and Senate to move these bills forward. I understand that both bills will be referred to the Environment and Public Works Committee today, and I look forward to working with Chairman INHOFE to move them expeditiously through committee.

By Mrs. CLINTON (for herself, Mr. WARNER, Ms. MIKULSKI, Ms. SNOWE, Mr. BREAUX, Mr. JEFFORDS, Mrs. MURRAY, Ms. COLLINS, Mr. KENNEDY, and Mr. SMITH):

S. 538. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am proud to introduce the Lifespan Respite Care Act of 2003 today, a bill to establish the availability of respite services for our family caregivers, and to increase coordination of these programs so that caregivers will be better able to access them.

As a nation, we rely on family caregivers. Twenty-six million Americans care for an adult family member who is ill or disabled, Eighteen million children have a condition that place significant demands on their parental caregivers. Four million Americans with mental retardation or a developmental disability rely on family members for care and supervision. If services provided by family caregivers were replaced by paid services, it would cost nearly $200 billion annually.

But these are just numbers. Every member has a human face. Let me tell you about Heather Thoms-Chelsey. I met Heather last year at a press conference announcing the Lifespan Respite Care Act of 2002. At that press conference I also met Heather's then 4-year-old daughter, Victoria, who as Rett syndrome. Victoria is totally dependent on family caregivers for all basic living skills: dressing, feeding, bathing and toileting. She also engages in self-injurious behaviors, hand-biting, head banging, body slamming, hair pulling. She has to be monitored all the time for her protection. Heather says, ''I feel tired and exhausted after only less than 5 years, what will I be like in 15? Or even 20?''

Heather is very resourceful. She has managed to find some respite care—164 hours per year—through her State's department of hygiene and mental health. She used 4 hours of her allotted time to bring a respite care worker with her to the press conference so she could tell us her story. The State allows Heather a maximum payment of $7.50 per hour for respite services. It is difficult to find someone who can care for a child with such complicated needs for that. Most of the time, Heather uses the respite care dollars to hire someone to help her care for Victoria in the home or on an outing. Very rarely does Heather actually get to leave the house and take a real break. Some would say Heather is one of the lucky ones. She actually has some respite care. Many people have none.

Heather's story is repeated all across this country. Some people are caring for children or grandchildren with special needs and elderly parents at the same time. Some have called these people the ''sandwich'' generation, sandwiched between the caregiving demands of children or grandchildren and the caregiving demands of elderly parents.

Just because family caregiving is unpaid does not mean it is costless. Caregiving is certainly personally rewarding but it can also result in substantial emotional and physical strain and financial hardship. Many caregivers are exhausted and become sick themselves. Many give up jobs to care for loved ones, putting their own financial security in jeopardy.

I believe that our country is suffering not just from a budget deficit, but what Mona Harrington has called, ''a care deficit.'' Everywhere we look—nursing, childcare, teaching, long-term care—we see shortages and looming crises that threaten the provision of care on which our children, our parents, and our families all depend. Caregiving is undervalued, underfinanced, and too often uncompensated. Family caregiving seems almost ''invisible'' in our society, perhaps because it is work that women perform in the home.

It is time we recognize the heroic effort of our family caregivers and provide them the kind of support they need before their own health deteriorates. One way to do that is through respite care. Respite care provides a much needed break from the daily demands of caregiving for a few hours or a few days. These welcome breaks help protect the physical and mental health of the family caregiver, making it possible for the individual in need of care to remain in the home.

Unfortunately, respite care is hard to find. Many caregivers do not know how to find information about services available. Even when community respite care services exist, there are often long waiting lists. For example, the United Cerebral Palsy Association of Nassau County on Long Island, provides respite service to 70 people but they have had a 200-person waiting list since 1995. In the same community, the Association for the Help of Retarded Children serves 140 youngsters; 200 children are on their waiting list. Variety Preschoolers serves 150 toddlers with special needs; 120 children are on their waiting list. The list goes on and on.

But, this is not a problem isolated to Long Island, NY. It is happening all across the America. There are more caregivers in need of respite care than there are respite care resources available. Part of the problem is funding and part of the problem is staffing.

Children and adults with special needs require trained caregivers. Parents and spouses and other family caregivers are understandably hesitant to leave their loved ones with untrained staff. But training staff costs money and trained staff are going to be reluctant to work for as little as $7–8 an hour. Until we recognize the value of caregiving and pay for it as a valued service, we are going to continue to face shortages: shortages in respite care but also shortage in caregiving in a larger sense.

We don't have enough teachers. We don't have enough nurses. We don't have enough childcare workers. We don't have enough trained workers to care for our elderly. And we don't have enough trained staff to provide respite care.

It is time that we, as a nation, face this care deficit and do something about it.

Today, I, along with my colleagues, Senators WARNER, MIKULSKI, SNOWE, BREAUX, JEFFORDS, MURRAY, COLLINS, KENNEDY, and SMITH, are introducing the Lifespan Respite Care Act of 2003. This bill would provide over $90 million in grants annually to develop a coordinated system of respite care services for family caregivers of individuals with special needs regardless of age. Funds could also be used to increase respite care services or to train respite care workers or volunteers.

Some of my colleagues have questioned the pricetag of this legislation. I ask them to do the math. With 26 million caregivers of adults and 18 million caregivers of children with special needs, $90 million dollars amounts to $2.05 per caregiver. If anything, we should be investing more in respite care, not less. Estimates place the cost of current family caregiving at $200 billion annually. We simply cannot afford to continue to ignore this issue.

I remain committed to the concerns of family caregivers and to their need for respite care in particular. Together, I believe we can pass respite care legislation.

But, our work cannot stop there. The need of family caregivers for respite care is just one important piece of a larger complex picture. I am asking you to join me in a longer term effort to put the care deficit—in childcare, in teaching, in nursing, in long-term care, as well as in family caregiving—on the national agenda.

By Mr. DOMENICI (for himself, Mr. DORGAN, Mr. KYL, Mrs. FEINSTEIN, Ms. MURKOWSKI, Mr. BURNS, Mrs. MURRAY, Mr. MCCAIN, Mrs. HUTCHISON, Mr. COLEMAN, and Mr. BINGAMAN):

S. 539. A bill to authorize appropriations for border and transportation security personnel and technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill of critical importance to our Nation's economic well-being and the security of our borders: the Border Infrastructure and Technology Modernization Act.

No American border has under gone a comprehensive infrastructure overhaul since 1986, when Senator Dennis DeConcini of Arizona and I put forth a $357 million effort to modernize the southwest border. That bill pertained only to the southwest border, and a great deal was change since 1986.

More importantly, much has changed since September 11, 2001. It is now critical that we look at the big picture and give our northern and southwestern borders the resources they need to address security vulnerabilities and facilitate the flow of trade.

Two years ago, the General Services Administration completed a comprehensive assessment of infrastructure needs on the southwestern and northern borders of the United States. This assessment found that overhauling both borders would require $784 million.

Since the publication of that assessment in February 2001, many of the needs identified remain outstanding. Many have grown, and new needs have

arisen as the task of making border trade flow faster has become more complicated in the face of unprecedented security concerns.

In response to our Nation's heightened security concerns, we created the Department of Homeland Security, an agency affecting virtually every Federal entity involved in border operations. Congress must give this new Department adequate resources and tools to achieve the necessary balance between security and trade considerations. The Border Infrastructure and Technology Modernization Act proposes a number of measures meant to increase the speed at which trade crosses the border as well as beefing up security at vulnerable points on our land borders.

In the recently passed omnibus appropriations bill, I secured legislative language asking the General Services Administration, in cooperation with the other border agencies involved, to complete an updated assessment of needs on our borders. The information contained in this assessment will provide a blueprint for comprehensive, targeted improvements to border infrastructure and technology. The bill I am introducing today provides $100 million per year for 5 years to implement these improvements.

Congress has already passed legislation to improve security at airports and seaports, but we have not yet addressed the needs of our busiest ports, located on the United States' northern and southwestern land borders. Traditionally, tighter security requirements have come at the expense of efficient commerce across our borders. With the improvements we are proposing today, we mean to move toward a day when we can say that higher security does not penalize trade.

America's two biggest trading partners are not across an ocean—they lie to the north and south of our country. In the past decade, U.S.-Canada trade has doubled, and in the same time period, trade between the United States and Mexico tripled. At the same time, our infrastructure is weakest on our land borders, and we must act quickly and decisively to prevent terrorists from exploiting this weakness.

To address this threat, the Border Infrastructure and Technology Modernization Act provides for a coordinated Land Border Security Plan, including cooperation between Federal State and local entities involved at our borders, as well as the private sector.

When it comes to security, everybody has a role to play, not just the government. We must enlist the help of the private sector to address security concerns on our borders. Trade and industry have made this country the economic powerhouse it is today, and we must fully involve them in protecting our country through government trade and industry partnership programs.

The U.S. Customs Service has already started this process. I commend them for their quick action after the September 11 terrorist attacks in enlisting the support of private industry by quickly developing the Customs-Trade Partnership Against Terrorism, C–TPAT. We need to expand these programs, especially along the northern and southwestern borders. This bill authorizes an additional $30 million and additional staff to accomplish this task.

Finally, equipment and technology alone will not solve the trade and security problems on our borders. The border agencies of the Department of Homeland Security need sufficient personnel levels, and training to ensure the implementation and use of modern technology. I am pleased that the administration has taken the first step to meet this objective by announcing that they will add 1,700 new inspectors to the Bureau of Customs and Border Security of the Department of Homeland Security.

The Border Infrastructure and Technology Modernization Act increases the number of inspectors and support staff in this bureau by an additional 200 each year for 5 years. This bill also adds 100 more special agents and support staff each year for 5 years to the Bureau of Immigration and Customs Enforcement, the investigative arm of the Department of Homeland Security.

I am pleased to introduced this bill today to devote greater resources to maximizing the economic possibilities of the trade flowing across our borders, while addressing the security vulnerabilities on our land borders. I am convinced that these goals are not mutually exclusive, but instead must be realized in concert.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Border Infrastructure and Technology Modernization Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term ''maquiladora'' means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

(5) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Border and Transportation Security of the Department of Homeland Security.

SEC. 3. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.

(a) INSPECTORS AND AGENTS.—

(1) INCREASE IN INSPECTORS AND AGENTS.—During each of fiscal years 2004 through 2008, the Under Secretary shall—

(A) increase the number of full-time agents and associated support staff in the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees in the Bureau as of the end of the preceding fiscal year; and

(B) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 200 more than the number of such employees in the Bureau as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Under Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—The Under Secretary shall provide appropriate training for agents, inspectors, and associated support staff on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

SEC. 4. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106–319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Under Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 5; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under paragraph (3) of such subsection.

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 5. NATIONAL LAND BORDER SECURITY PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than January 31 of each year, the Under Secretary shall prepare a National Land Border

Security Plan and submit such plan to Congress.

(b) CONSULTATION.—In preparing the plan required in subsection (a), the Under Secretary shall consult with the Under Secretary for Information Analysis and Infrastructure Protection and the Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border.

(c) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Under Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 6. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Under Secretary, shall develop a plan to expand the size and scope (including personnel needs) of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program along the southern border for the purpose of implementing at least one Customs-Trade Partnership Against Terrorism program along that border. The Customs-Trade Partnership Against Terrorism program selected for the demonstration program shall have been successfully implemented along the northern border as of the date of enactment of this Act.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 7. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Under Secretary shall carry out a technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTED.—Under the demonstration program, the Under Secretary shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(2) FACILITIES DEVELOPED.—At a demonstration site selected pursuant to subsection (c)(2), the Under Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including cross-training among agencies, advanced law enforcement training, and equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Under Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion onto not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month in the 12 full months preceding the date of enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Under Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Under Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report shall include an assessment by the Under Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) to carry out the provisions of section 3, such sums as may be necessary for the fiscal years 2004 through 2008;

(2) to carry out the provisions of section 4—

(A) to carry out subsection (a) of such section, such sums as may be necessary for the fiscal years 2004 through 2008; and

(B) to carry out subsection (d) of such section—

(i) $100,000,000 for each of the fiscal years 2004 through 2008; and

(ii) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out the provisions of section 6—

(A) to carry out subsection (a) of such section—

(i) $30,000,000 for fiscal year 2004, of which $5,000,000 shall be made available to fund the demonstration project established in paragraph (2) of such subsection; and

(ii) such sums as may be necessary for the fiscal years 2005 through 2008; and

(B) to carry out subsection (b) of such section—

(i) $5,000,000 for fiscal year 2004; and

(ii) such sums as may be necessary for the fiscal years 2005 through 2008; and

(4) to carry out the provisions of section 7, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2004; and

(B) such sums as may be necessary for each of the fiscal years 2005 through 2008.

(b) INTERNATIONAL AGREEMENTS.—Funds authorized in this Act may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this Act.

Mr. MCCAIN. Mr. President, I am pleased to join Senators DOMENICI, DORGAN, KYL, FEINSTEIN, MURKOWSKI, BURNS, and MURRAY to introduce the Border Infrastructure and Technology Modernization Act. For most of us, this is not a new issue. I have worked closely with many of my colleagues to address concerns regarding the protection of our Nation's borders, particularly the problems associated with illegal immigration.

The bill we are introducing today addresses border infrastructure, to ensure that our Nation's borders, both southern and northern, are as secure and up to date as possible. This bill will authorize. the Bureau of Immigration and Customs Enforcement to address staffing shortages and hire additional agents, inspectors, and support staff. It will also authorize several studies and demonstration programs to improve infrastructure, security, facilitate trade, and expand the use of technology along the borders.

Cross-border commerce suffers greatly due to backups at our ports of entry. Two and three hour delays hinder the transport of goods from Mexico into the United States. Improving infrastructure at our ports of entry will increase our capability to screen trucks and individuals coming into the country in a more efficient manner, reducing the backups along the border and improving the free flow of commerce.

As undocumented aliens take increasingly desperate measures to cross our border with Mexico, the burden borne by States along the southwestern border continues to grow. The Federal Government's attempt to stem illegal immigration in Texas and California has made it increasingly difficult to cross the border in these States and has created a funnel effect, giving Arizona the dubious distinction of being the location of choice for illegal border crossings.

Reports suggest that at least one in three of the illegal border crossers arrested traversing the U.S.-Mexico border are stopped in Arizona. Last year approximately 320 people died in the

desert trying to cross the border. Additionally, the number of attacks on National Park Service officers has increased in recent years. Property crimes are rampant along the border, leaving Arizona with the highest per capita auto theft rate in the Nation. Times have become so desperate that vigilante groups have begun to form with the goal of doing the job the Federal Government is failing to do.

We must do all we can to improve the ports of entry along our borders with both our northern and our southern neighbors. Technology is the key to that goal, and this bill takes a big step toward ensuring that technological needs are assessed and that technology is improved.

There are between 7–9 million people in this country illegally. Many of these people entered our country legally but have overstayed their visas. By upgrading the technology for our ports of entry and further developing the entry-exit system we will have a way to better monitor these individuals. During this year's appropriations bill, I sponsored an amendment along with Senators KYL and FEINSTEIN to restore $165 million to entry-exit system and help the INS establish four pilot projects on the borders to effectively track and monitor immigration. This bill and the amendment we passed recently are both important ways to increase the resources available to the border.

Beyond the improvement of infrastructure, technology and security along the border, we must also address illegal immigration through a guest worker program. As long as there are jobs to be had on this side of the border, people will continue to attempt to cross illegally, and our national security will remain at risk.

I urge my colleagues to move expeditiously on this important piece of legislation, in order to ensure that in a time of new global threats, our Nation's borders are as safe as possible and American citizens are protected.

By Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. BIDEN, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. GRAHAM of Florida, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mrs. MURRAY, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, and Mr. WYDEN):

S. 543. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environmental and Public Works.

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation to designate the coastal plain of the Arctic Refuge as wilderness.

America's dependence on foreign oil is an urgent and stubborn problem. But the answer isn't in the ground. It's in our heads. We have to apply the genius of America to engineer a solution to energy independence, not hope that we will magically find one in the deposits under Alaska.

The facts on this are clear. Alaska has at a most 6 month supply of oil—not a drop of which will be available for a decade. The United States Energy Information Administration—part of the Bush administration—itself concluded that full development of the Refuge would reduce our projected dependence on foreign oil from 62 to 60 percent at the very most, and not until 2020.

For that, is it worth forever losing a national treasure, one of our last great wild places? I say no. Instead, I say yes to a smart, forward-looking strategy to wean our economy off its addiction to foreign oil without sacrificing our natural treasures.

Despite my colleagues arguments to the contrary, I believe it is finally established that there is no way—no way—to drill in the Arctic without disrupting and essentially destroying that precious place. For too long, drilling advocates have attempted to raise questions about the impacts of drilling. It is time for the facts to carry the day.

In fact, just today, the National Academies of Science released a report detailing the cumulative impacts of oil development on Alaska's North Slope. The NAS not only found that Arctic oil development has adversely impacted populations of caribou, birds and bowhead whales—more importantly, they said that future drilling would pose grave threats to the Arctic's environmental health. As the report stated in a section entitled ''The Essential Trade-Off,'' the question for Congress is whether the available oil is worth the ''inevitable accumulated undesirable effects.'' With so little impact on our oil dependence predicted, the answer is clearly no.

In every poll, we see that the majority of Americans oppose ruining the Arctic for oil. And, as we established last year, the majority of the U.S. Senate agrees with them. Once and for all, let's respect that desire, and let's protect this precious place. Let's pass this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF PORTION OF ARCTIC NATIONAL WILDLIFE REFUGE AS WILDERNESS.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

''(p) DESIGNATION OF CERTAIN LAND AS WILDERNESS.—Notwithstanding any other provision of this Act, a portion of the Arctic National Wildlife Refuge in Alaska comprising approximately 1,559,538 acres, as generally depicted on a map entitled 'Arctic National Wildlife Refuge—1002 Area. Alternative E—Wilderness Designation, October 28, 1991' and available for inspection in the offices of the Secretary, is designated as a component of the National Wilderness Preservation System under the Wilderness Act (16 U.S.C. 1131 et seq.).''.

By Mr. DODD (for himself, Mr. WARNER, Mr. HOLLINGS, Mr. REED, Mr. DASCHLE, Mr. LIEBERMAN, Mrs. CLINTON, Mr. SARBANES, and Ms. LANDRIEU):

S. 544. A bill to establish a SAFER Firefighter Grant Program; to the Committee on Commerce, Science, and Transportation.

Mr. DODD. Mr. President, I rise today with my colleagues Senator WARNER, Senator HOLLINGS, Senator REED, Senator DASCHLE, Senator LIEBERMAN, Senator CLINTON, Senator SARBANES, and Senator LANDRIEU to introduce the Staffing for Adequate Fire and Emergency Response, SAFER, Act. This legislation will help to remedy a critical shortage in the fire service and help ensure that America's firefighters have the staffing they need to safely do their jobs.

Every day approximately one million firefighters put their lives on the line to protect the people of our great Nation. I firmly believe that in recognition of that fact, our Nation has an obligation to ensure that the brave men and women of the fire service have the tools, the training, and the staffing they need to do their jobs safely.

In recent years, the Federal Government has recognized that it can and should be a better partner with local firefighters. In 2000, Senator DEWINE, Senator LEVIN, Senator WARNER, and I worked successfully to help create the FIRE Act. This law stood as the first Federal grant program explicitly designed to help fire departments throughout America obtain better equipment, improved training, and needed personnel. Since September 11, 2001, Congress and the administration have provided billions of dollars to help local firefighters purchase equipment and training to respond to acts of terrorism, accidental fires, chemical spills, and natural disasters. Over the last 2 years, the Federal FIRE Act grant initiative has provided nearly half a billion dollars in direct assistance to local fire departments across the country and the FIRE Act will provide another $750 million this year. We are beginning to significantly improve the quality of the equipment available to firefighters in every State and in communities large and small. Unfortunately, the FIRE Act has not improved staffing conditions for America's fire service. Severe staffing shortages still plague departments across the country.

Currently two-thirds of all fire departments operate with inadequate staffing. And the consequences are often tragic. According to testimony by Harold Schaitberger, General President of the International Association of Firefighters, presented before the

Senate Science, Technology and Space Subcommittee on October 11, 2001, understaffing has caused or contributed to firefighter deaths in Memphis, Tennessee; Worcester, Massachusetts; Keokuk, Iowa; Pittsburgh, Pennsylvania; Chesapeake, Virginia; Stockton, California; Lexington, Kentucky; Buffalo, New York; Philadelphia, Pennsylvania; and Washington, D.C. In each case, firefighters went into dangerous situations without the support they needed and they paid the ultimate price.

The unfortunate reality is that our local communities have not been able to maintain the level of staffing necessary to ensure the safety of our firefighters or the public. Since 1970, the number of firefighters as a percentage of the U.S. workforce has steadily declined and the budget crises that our state and local governments are enduring has made matters worse. Across the country today, firefighter staffing is being cut and fire stations are even being closed because of state and local budget shortfalls. All of this at a time when the threats of terrorism are placing unprecedented demands on our fire service.

According to a ''Needs Assessment Study'' recently released by the U.S. Fire Administration, USFA, and the National Fire Protection Association, NFPA, understaffing contributes to enormous problems. For example, USFA and NFPA have found that only 11% of our Nation's fire departments have the personnel and equipment they need to respond to a building collapse involving 50 or more occupants. The USFA and NFPA also found that there are routine problems that threaten the health and safety of our first responders. In small and medium-sized cities, firefighters are too often compelled to respond to emergencies without sufficient manpower to protect those on the ground. More often than not, firefighters in too many of our communities respond to fires with fewer than the four firefighters per truck that is considered to be the minimum to ensure firefighter safety.

The USFA/NFPA study also suggests that shortages of personnel prevent many firefighters from taking time off to receive training and too few departments can afford to hire dedicated training staff. As a result, nearly three-quarters of all fire departments cannot comply with EPA and OSHA regulations that require formal hazardous materials response training for front-line firefighters.

The SAFER Act is a national commitment to hire the firefighters necessary to protect the American people from the consequences of terrorist attacks and from more ordinary, but often equally devastating, events. This legislation will put 75,000 new firefighters on America's streets over the next 7 years and will help provide Americans with the level of protection they need and deserve.

As I have said before, just as we have called up the National Guard to meet the increased need for more manpower in the military, we need to make a national commitment to hire firefighters to protect the American people here at home. In these difficult times, it is both necessary and proper for us to send for reinforcements for our domestic defenders. The SAFER Act will make that commitment.

In closing let me say that this legislation honors America's firefighters. It acknowledges the men and women who charge up the stairs while everybody else is running down them. But it does more than that. This legislation is an investment in America's security, an investment to ensure the safety of our firefighter as well as American families and their homes and businesses.

Both the International Association of Firefighters and the International Association of Fire Chiefs have expressed their strong support for this legislation. I urge my colleagues to join those of us who have introduced this measure today.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Staffing for Adequate Fire and Emergency Response Firefighters Act of 2003''.

SEC. 2. OFFICE OF GRANT MANAGEMENT.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by redesignating the second section 33 and section 34 as sections 35 and 36, respectively, and by inserting after the first section 33 the following new section:

''SEC. 34. OFFICE OF GRANT MANAGEMENT.

''(a) ESTABLISHMENT.—A new office within the United States Fire Administration shall be established to administer the SAFER Firefighter grant program under this section.

''(b) AUTHORITY TO MAKE GRANTS.—(1) The Administrator may make grants directly to career, voluntary, and combination fire departments of a State, in consultation with the chief executive of the State, for the purpose of substantially increasing the number of firefighters so that communities can meet industry minimum standards to provide adequate protection from acts of terrorism and hazards.

''(2)(A) Grants made under paragraph (1) shall be for 4 years and be used for programs to hire new, additional career firefighters.

''(B) Grantees are required to commit to retaining for at least 1 year beyond the termination of their grants those career firefighters hired under paragraph (1).

''(3) In awarding grants under this section, the Administrator may give preferential consideration, where feasible, to applications for hiring and rehiring additional career firefighters that involve a non-Federal contribution exceeding the minimums under paragraph (5).

''(4) The Administrator may provide technical assistance to States, units of local government, Indian tribal governments, and to other public entities, in furtherance of the purposes of this section.

''(5) The portion of the costs of a program, project, or activity provided by a grant under paragraph (1) may not exceed—

''(A) 90 percent in the first year of the grant;

''(B) 80 percent in the second year of the grant;

''(C) 50 percent in the third year of the grant; and

''(D) 30 percent in the fourth year of the grant,

unless the Administrator waives, wholly or in part, the requirement under this paragraph of a non-Federal contribution to the costs of a program, project, or activity.

''(6) The authority under paragraph (1) of this section to make grants for the hiring of additional career firefighters shall lapse at the conclusion of 10 years from the date of enactment of this section. Prior to the expiration of this grant authority, the Administrator shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Administrator may have for amendments to this section and related provisions of law.

''(c) APPLICATIONS.—(1) No grant may be made under this section unless an application has been submitted to, and approved by, the Administrator.

''(2) An application for a grant under this section shall be submitted in such form, and contain such information, as the Administrator may prescribe by regulation or guidelines.

''(3) In accordance with the regulations or guidelines established by the Administrator, each application for a grant under this section shall—

''(A) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of the statewide strategy;

''(B) explain the applicant's inability to address the need without Federal assistance;

''(C) outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;

''(D) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support; and

''(E) provide assurances that the applicant will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within firefighting.

''(4) Notwithstanding any other provision of this section, in relation to applications under this section of units of local government or fire districts having jurisdiction over areas with populations of less than 50,000, the Administrator may waive 1 or more of the requirements of paragraph (3) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

''(d) LIMITATION ON USE OF FUNDS.—(1) Funds made available under this section to States or units of local government for salaries and benefits to hire new, additional career firefighters shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this section, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

''(2) Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian

Affairs performing firefighting functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.

''(3)(A) Total funding provided under this section over 4 years for hiring a career firefighter may not exceed $100,000, unless the Administrator grants a waiver from this limitation.

''(B) The $100,000 cap shall be adjusted annually for inflation beginning in fiscal year 2005.

''(e) PERFORMANCE EVALUATION.—(1) Each program, project, or activity funded under this section shall contain a monitoring component, developed pursuant to guidelines established by the Administrator. The monitoring required by this subsection shall include systematic identification and collection of data about activities, accomplishments, and programs throughout the life of the program, project, or activity and presentation of such data in a usable form.

''(2) Selected grant recipients shall be evaluated on the local level or as part of a national evaluation, pursuant to guidelines established by the Administrator. Such evaluations may include assessments of individual program implementations. In selected jurisdictions that are able to support outcome evaluations, the effectiveness of funded programs, projects, and activities may be required.

''(3) The Administrator may require a grant recipient to submit to the Administrator the results of the monitoring and evaluations required under paragraphs (1) and (2) and such other data and information as the Administrator considers reasonably necessary.

''(f) REVOCATION OR SUSPENSION OF FUNDING.—If the Administrator determines, as a result of the activities under subsection (e), or otherwise, that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application submitted under subsection (c), the Administrator may revoke or suspend funding of that grant, in whole or in part.

''(g) ACCESS TO DOCUMENTS.—(1) The Administrator shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this section and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this section.

''(2) Paragraph (1) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

''(h) DEFINITIONS.—In this section, the term—

''(1) 'firefighter' has the meaning given the term 'employee in fire protection activities' under section 3(a) of the Fair Labor Standards Act (29 U.S.C. 203(y)); and

''(2) 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''There are authorized to be appropriated for the purposes of carrying out this section—

''(1) $1,000,000,000 for fiscal year 2004;
''(2) $1,030,000,000 for fiscal year 2005;
''(3) $1,061,000,000 for fiscal year 2006;
''(4) $1,093,000,000 for fiscal year 2007;
''(5) $1,126,000,000 for fiscal year 2008;
''(6) $1,159,000,000 for fiscal year 2009; and
''(7) $1,194,000,000 for fiscal year 2010.''.

Mr. WARNER. Mr. President, I am pleased to be joining my colleague Senator DODD in the introduction of the Staffing for Adequate Fire and Emergency Response Act. The SAFER Act establishes a new grant program that will provide direct funding to fire and rescue departments though the new Department of Homeland Security. This funding will help to cover some of the costs associated with hiring and training new firefighters.

Our Nation's fire departments must be able to hire the necessary personnel in order to meet the ever increasing demands on local first responders. Many Americans are not aware of the staffing shortages we may face in our fire and rescue departments. The role of firefighter in our communities is far greater than most realize. They are first to respond to hazardous materials calls, chemicals emergencies, biohazard incidents, and water rescues. These are dangers which our fire rescue personnel deal with on a daily basis.

The National Fire Protection Association, a nonprofit organization which develops and promotes scientifically based consensus codes and guidelines, issued minimum staffing standards of at least four firefighters per apparatus. Furthermore, local departments are expected to comply with Federal Occupational Safety and Health Administration, OSHA, standards, which require a minimum of two qualified firefighters inside and two qualified firefighters outside of a structure fire or similar incident. Except in cases of a known need for rescue, a fire company with less than four personnel cannot enter that structure to fight a fire or respond to an incident until additional firefighters arrive on the scene, ready to go.

I am honored to be an original cosponsor of this important legislation. I encourage my colleagues to support this measure not only because of the firefighters role in our homeland security endeavors, but also in recognition of the critical day-to-day services they provide in our Nation's communities.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 74—TO AMEND RULE XLII OF THE STANDING RULES ON THE SENATE TO PROHIBIT EMPLOYMENT DISCRIMINATION IN THE SENATE BASED ON SEXUAL ORIENTATION

Mrs. FEINSTEIN (for herself, Mr. SMITH, Mr. DASCHLE, Ms. LANDRIEU, Mr. BREAUX, Mr. AKAKA, Mr. BIDEN, Mrs. MURRAY, Mr. KERRY, Mr. BAYH, Mr. DURBIN, Ms. STABENOW, Mr. LEVIN, Mr. WYDEN, Mr. KENNEDY, Mr. JEFFORDS, Mr. FEINGOLD, Mr. LAUTENBERG, Ms. COLLINS, Mr. CHAFEE, Mr. HARKIN, Mr. BINGAMAN, Mr. EDWARDS, Mr. SARBANES, Mr. CORZINE, Mr. LEAHY, Mr. LIEBERMAN, Mr. REED, Mr. DAYTON, Mr. NELSON of Florida, Mr. SCHUMER, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Rules and Administration:

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 1 of rule XLII of the Standing Rules of the Senate is amended by striking ''or state of physical handicap'' and inserting ''state of physical handicap, or sexual orientation''.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution to prohibit employment discrimination in the Senate based on sexual orientation.

I would like to thank the Senator from Oregon, Mr. SMITH, as well as my other colleagues who join me in introducing this resolution.

The resolution would amend the Standing Rules of the Senate by adding ''sexual orientation'' to ''race, color, religion, sex, national origin, age, or state of physical handicap'' in the antidiscrimination provision of rule 42, which governs the Senate's employment practices.

By amending the current rule, it would forbid any Senate Member, officer, or employee from terminating, refusing to hire, or otherwise discriminating against an individual with respect to promotion, compensation, or any other privilege of employment, on the basis of that individual's sexual orientation.

Senate employees currently have no recourse available to them should they become a victim of this type of employment discrimination.

If the rules are amended, any Senate employee that encountered discrimination based on their sexual orientation would have the option of reporting it to the Senate Ethics Committee. The Ethics Committee could then investigate the claim and recommend discipline for any Senate Member, officer, or employee found to have violated the rule.

Unfortunately, the Senate is already well behind other establishments of the U.S. Government in this area of antidiscrimination.

By 1996, at least 13 Cabinet level agencies, including the Departments of Justice, Agriculture, Transportation, Health and Human Services, Interior, Housing and Urban Development, Labor, and Energy, in addition to the General Accounting Office, General Services Administration, Internal Revenue Service, the Federal Reserve System, Office of Personnel Management, and the White House had already issued policy statements forbidding sexual orientation discrimination.

In 1998, Executive Order 13087 was issued to prohibit sexual orientation discrimination in the Federal executive branch, including civilian employees of the military departments and sundry other governmental entities.

That Executive order now covers approximately 2 million Federal civilian

workers. Yet more than 4 years later, there are still employees of the Senate that are unprotected.

In taking this step toward addressing discrimination, the Senate would join not only the executive branch, but also 308 Fortune 500 companies, 23 State governments and 262 local governments that have already prohibited workplace discrimination based on sexual orientation.

Currently, 65 Senators have already adopted written policies for their congressional offices indicating that sexual orientation is not a factor in their employment decisions.

Now, I urge my colleagues to join me by making this policy universal for the Senate, rather than relying on a patchwork of protection that only covers some of the Senate's employees.

Mr. SMITH. Mr. President, I rise today to join my colleague, Senator FEINSTEIN in introducing a resolution to prohibit employment discrimination in the Senate based on sexual orientation.

Senate rules currently prohibit employment discrimination based on race, color, religion, sex, national origin, age, or state of physical handicap. I believe that it is time for us to add sexual orientation to that list.

As a cosponsor of the Employment Nondiscrimination Act, I have stood behind the principle that employment discrimination against any person is hurtful to society as a whole, and if I am going to hold the private sector accountable for its actions, I should certainly promote the same principles in the U.S. Senate.

It is important to note that the Senate is lagging behind the rest of the Federal Government in prohibiting employment discrimination based on sexual orientation. Since 1996, 13 Cabinet level agencies and the White House have had anti-discrimination policies, and in 1998, President Clinton issued an executive order prohibiting sexual orientation discrimination in the Federal Executive Branch, including civilians in the military. That executive order now covers 2 million Federal employees, but people who work in the Senate do not enjoy those same protections.

Many of my colleagues already have written policies indicating that sexual orientation is not a factor in their employment decisions, and it is past time that we make this non-discrimination policy a part of the Standing Rules of the Senate. I want to thank my friend and colleague, Senator FEINSTEIN, for her leadership in this issue, and urge my colleagues to support this important resolution.

SENATE RESOLUTION 75—COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. ALLARD, Mr. BIDEN, Mr. MILLER, Mr. GREGG, Mr. DORGAN, Mr. LOTT, Mr. DASCHLE, Mr. COCHRAN, Mr. NICKLES, Mr. DAYTON, Mr. KERRY, Mr. INHOFE, Mr. JEFFORDS, Mr. FITZGERALD, Ms. LANDRIEU, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 75

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas more than 145 peace officers across the Nation were killed in the line of duty during 2002, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when 230 officers were killed, including 72 officers in the September 11th terrorist attacks;

Whereas a number of factors contributed to this reduction in deaths, including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care;

Whereas every year, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 4,400 peace officers is killed in the line of duty somewhere in America every other day; and

Whereas on May 15, 2003, more than 15,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2003, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

Mr. CAMPBELL. Mr. President, today I am joined by the chairman and ranking member of the Senate Judiciary Committee, Senators HATCH and LEAHY, along with 16 other Senators, in introducing this resolution to keep alive in the memory of all Americans the sacrifice and commitment of those law enforcement officers who lost their lives serving their communities. Specifically, this resolution would designate May 15, 2003, as National Peace Officers Memorial Day.

As a former deputy sheriff, I know first-hand the risks which law enforcement officers face every day on the frontlines protecting our communities. Currently, more than 850,000 men and women who serve this Nation as our guardians of law and order do so at a great risk. Every year, about 1 in 15 officers is assaulted, 1 in 46 officers is injured, and 1 in 5,255 officers is killed in the line of duty somewhere in America every other day. There are few communities in this country that have not been impacted by the words: ''officer down.''

On September 11, 2001, 72 peace officers died at the World Trade Center in New York City as a result of a cowardly act of terrorism. This single act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of this country. Before this event, the greatest loss of law enforcement in a single incident occurred in 1917, when nine Milwaukee police officers were killed in a bomb blast at their police station.

In 2002, more than 145 Federal, State, and local law enforcement officers gave their lives in the line of duty, well below the decade-long average of 165 deaths annually, and a major drop from 2001 when a total of 230 officers were killed. A number of factors contributed to this reduction including better equipment and the increased use of bullet-resistant vests, improved training, longer prison terms for violent offenders, and advanced emergency medical care. And, in total, more than 15,000 men and women have made the supreme sacrifice.

The chairman of the National Law Enforcement Officers Memorial Fund, Craig W. Floyd, reminds us that ''a police officer is killed in the line of duty somewhere in America nearly every other day. More than 800,000 officers put their lives at risk each and every day for our safety and protection. National Police Week and Peace Officers Memorial Day provide our Nation with an important opportunity to recognize and honor that extraordinary service and sacrifice.''

On May 15, 2003, more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their fallen comrades who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities. In doing so, these heroes have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens. This resolution is a fitting tribute for this special and solemn occasion.

I urge my colleagues to join us in supporting passage of this important resolution.

SENATE RESOLUTION 76—EXPRESSING THE SENSE OF THE SENATE THAT THE POLICY OF PREEMPTION, COMBINED WITH A POLICY OF FIRST USE OF NUCLEAR WEAPONS, CREATES AN INCENTIVE FOR THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION, ESPECIALLY NUCLEAR WEAPONS, AND IS CONSISTENT WITH THE LONG-TERM SECURITY OF THE UNITED STATES

Mr. DURBIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 76

Whereas press reports show that the December 31, 2001 Nuclear Posture Review states that the United States might use nuclear weapons to dissuade adversaries from

undertaking military programs or operations that could threaten United States interests;

Whereas the Nuclear Posture Review, according to such reports, goes on to state that nuclear weapons could be employed against targets capable of withstanding non-nuclear attack;

Whereas the Nuclear Posture Review is further reported to state that, in setting requirements for nuclear strike capabilities, North Korea, Iraq, Iran, Syria, and Libya are among the countries that could be involved in immediate, potential, or unexpected contingencies;

Whereas the September 17, 2002 National Security Strategy of the United States of America states that ''[a]s a matter of common sense and self-defense, America will act against such emerging threats before they are fully formed,'' and that ''[t]o forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively'';

Whereas the December 2002 National Strategy to Combat Weapons of Mass Destruction states that ''[t]he United States will continue to make clear that it reserves the right to respond with overwhelming force—including through resort to all of our options—to the use of [weapons of mass destruction] against the United States, our forces abroad, and friends and allies'';

Whereas United States nuclear policy, outlined in 1978 and restated in 1995 and 2002, includes, in the context of gaining other nations' support for the Treaty on the Non-Proliferation of Nuclear Weapons, a ''negative security assurance'' that the United States would not use its nuclear force against a country that does not possess nuclear weapons unless that country was allied with a nuclear weapons possessor;

Whereas the Under Secretary of State for Arms Control and International Security, John Bolton, recently announced the Administration's abandonment of the so-called ''negative security assurance'' pledge to refrain from using nuclear weapons against non-nuclear nations;

Whereas reports about the Stockpile Stewardship Conference Planning Meeting of the Department of Defense, held on January 10, 2003, indicate that the United States is engaged in the expansion of research and development of new types of nuclear weapons;

Whereas this expansion of nuclear weapons research covers new forms of nuclear weaponry that threaten the limitations on nuclear weapons testing that are established by the unratified, but previously respected, Comprehensive Nuclear Test-Ban Treaty;

Whereas these policies and actions threaten to make nuclear weapons appear to be useful, legitimate, first-strike offensive weapons, rather than a force for deterrence, and therefore undermine an essential tenet of nonproliferation; and

Whereas the cumulative effect of the policies announced by the President is to redefine the concept of preemption, which had been understood to mean the right of every state to anticipatory self-defense in the face of imminent attack, and to broaden the concept to justify a preventive war initiated by the United States, even without evidence of an imminent attack, in which the United States might use nuclear weapons against non-nuclear states: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President's policy of preemption, combined with a policy of first use of nuclear weapons, creates an incentive for proliferation of weapons of mass destruction, especially nuclear weapons, and is inconsistent with the long-term security of the United States.

SENATE RESOLUTION 77—EXPRESSING THE SENSE OF THE SENATE THAT ONE OF THE MOST GRAVE THREATS FACING THE UNITED STATES IS THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION, TO UNDERSCORE THE NEED FOR A COMPREHENSIVE STRATEGY FOR DEALING WITH THIS THREAT, AND TO SET FORTH BASIC PRINCIPLES THAT SHOULD UNDERPIN THIS STRATEGY

Mr. DASCHLE (for himself, Mr. LIEBERMAN, Mr. BIDEN, Mrs. FEINSTEIN, Mr. DODD, Mr. DURBIN, Ms. MIKULSKI, Mr. EDWARDS, Mr. REID, Mr. AKAKA, Mr. DORGAN, Mr. KERRY, Mr. LEAHY, Mr. CARPER, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. REED, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. KENNEDY, and Mrs. MURRAY, Mr. DAYTON, Mr. NELSON of Nebraska, Mrs. CLINTON, Mr. CORZINE, Mrs. BOXER, Mr. HARKIN, Mr. SCHUMER, Mr. WYDEN, Mr. KOHL, Mr. JOHNSON, Mr. JEFFORDS, and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 77

Whereas on September 17, 2002, President Bush stated that ''[t]he gravest danger our Nation faces lies at the crossroads of radicalism and technology. Our enemies have openly declared that they are seeking weapons of mass destruction, and evidence indicates that they are doing so with determination'';

Whereas on February 11, 2003, before the Select Committee on Intelligence of the Senate, George Tenet, the Director of Central Intelligence, testified that ''[w]e've entered a new world of proliferation . . . Additional countries may decide to seek nuclear weapons as it becomes clear their neighbors and regional rivals are already doing so. The domino theory of the 21st century may well be nuclear'';

Whereas Robert S. Mueller, III, the Director of the Federal Bureau of Investigation, stated on February 11, 2003, that ''[m]y greatest concern is that our enemies are trying to acquire dangerous new capabilities with which to harm Americans. Terrorists worldwide have ready access to information on chemical, biological, radiological, and nuclear weapons via the internet'';

Whereas the Treaty on Reduction and Limitation of Strategic Offensive Arms, with Annexes, Protocols, and Memorandum of Understanding, signed at Moscow on July 31, 1991 (START Treaty) addresses a narrow aspect of the threat posed by weapons of mass destruction—deployed strategic nuclear weapons—and fails to address other aspects of the nuclear threat as well as the threat posed by biological or chemical weapons or materials;

Whereas in a recent bipartisan report, former Senators Warren Rudman and Gary Hart concluded that ''America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil'';

Whereas the United States Government last month raised the terrorist threat level and, according to the Director of Central Intelligence, did so in part ''because of threat reporting from multiple sources with strong al Qaeda ties . . .and to plots that could include the use of radiological dispersion devices as well as poisons and chemicals'';

Whereas shortly before the inauguration of President George W. Bush, a bipartisan task force chaired by former Majority Leader of the Senate Howard Baker and former White House Counsel Lloyd Cutler reported that ''the most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home'';

Whereas other states of concern continue their drive to acquire a weapons of mass destruction (WMD) capability as evidenced by the observation of the Director of Central Intelligence, in testimony before the Select Committee on Intelligence of the Senate, that the intelligence community has ''renewed concern over Libya's interest in WMD'';

Whereas the International Atomic Energy Agency (IAEA) has been told by Iran that it will not accept the strengthened safeguard protocol of the Agency and is committed to acquiring the ability to independently produce enriched uranium;

Whereas the Bush Administration has failed to begin direct talks with North Korea in spite of the assessment of the United States Government that North Korea may produce sufficient additional nuclear material for six to eight nuclear weapons within six months and the decision of North Korea to expel IAEA inspectors from the Yongbyon complex, to restart its nuclear reactor, to begin moving formerly secure spent nuclear fuel rods, to leave the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow, July 1, 1968 (Nuclear Nonproliferation Treaty or NPT), and to test a new cruise missile;

Whereas the December 2002 National Strategy to Combat Weapons Of Mass Destruction states that ''[w]eapons of mass destruction represent a threat not just to the United States, but also to our friends and allies and the broader international community. For this reason, it is vital that we work closely with like-minded countries on all elements of our comprehensive proliferation strategy.'';

Whereas newspaper accounts of the December 2001 Nuclear Posture Review state that the review concludes the United States might use nuclear weapons to dissuade adversaries from undertaking military programs or operations that could threaten United States interests, that nuclear weapons could be employed against targets able to withstand non-nuclear attack, and that in setting requirements for nuclear strike capabilities, North Korea, Iraq, Iran, Syria, and Libya are among the countries that could be involved in immediate, potential, or unexpected contingencies;

Whereas the September 17, 2002, National Security Strategy of the United States states that ''[a]s a matter of common sense and self-defense, America will act against such emerging threats before they are fully formed'' and ''[t]o forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively'';

Whereas General John Shalikashvili, former chairman of the Joint Chiefs of Staff, has stated that ''[a]ny activities that erode the firebreak between nuclear and conventional weapons or that encourage the use of nuclear weapons for purposes that are not strategic and deterrent in nature would undermine the advantage that we derive from overwhelming conventional superiority'';

Whereas the Under Secretary of State for Arms Control and International Security implied the abandonment by the Bush Administration of the so-called ''negative security

assurance'' pledge to refrain from using nuclear weapons against any non-nuclear nation unless that state was allied with a possessor of nuclear weapons, a policy that had been in place for 25 years and endorsed by successive Republican and Democratic Administrations;

Whereas documents recently made public from the Stockpile Stewardship Conference Planning Meeting of the Department of Defense held on January 10, 2003, indicate that the United States is moving toward expansion of research and development of new types of nuclear weapons and has sought repeal of the ban on research and development of new low-yield nuclear weapons;

Whereas the United States remains dangerously vulnerable to future terrorist attacks, and Bush the Administration has failed to spend homeland security funds provided by Congress and has repeatedly opposed efforts to increase funding for such homeland security activities as State and local first responders, border security, and food and water safety;

Whereas the Bush Administration has repeatedly failed to meet the funding benchmarks recommended by former Majority Leader of the Senate Howard Baker and former White House Counsel Lloyd Cutler for the nonproliferation programs of the Department of Energy;

Whereas notwithstanding the transformation of the strategic environment after the tragic events of September 11, 2001, a policy that moves toward the goal of the Nuclear Nonproliferation Treaty, and away from the increased reliance on and the importance of nuclear weapons, will serve to further the United States goal of preventing the proliferation of nuclear weapons; and

Whereas in a discussion of the grave threat posed the United States by weapons of mass destruction, President Bush has stated that ''[h]istory will judge harshly those who saw this coming danger but failed to act'': Now, therefore, be it

Resolved, That it is the sense of the Senate that the grave threat posed by the proliferation of weapons of mass destruction demands that the United States develop a comprehensive and robust nonproliferation strategy, including—

(1) the establishment of a broad international coalition against proliferation;

(2) the prevention of the theft or diversion of chemical weapons from existing stockpiles—

(A) by greatly accelerating efforts to destroy such weapons under the terms of the Chemical Weapons Convention in the United States, Russia, and other nations; and

(B) by strengthening and enforcing existing treaties and agreements on the elimination or limitation of nuclear, chemical, and biological weapons;

(3) the termination of the proliferation of weapons of mass destruction, and the systems to deliver such weapons, by the reinforcement of the international system of export controls and by the immediate commencement of negotiations on a protocol to interdict shipments of such weapons and delivery systems;

(4) an engagement in direct and immediate talks with North Korea, coordinated with United States regional allies, to secure the peaceful end to the nuclear programs and long-range missile programs of North Korea;

(5) the elimination of excess nuclear weapons in Russia, and the security of nuclear materials in Russia and the states of the former Soviet Union, by the end of the decade in order to prevent the theft or sale of such weapons or materials to terrorist groups or hostile states, including for that purpose—

(A) the provision of levels of funding for the nonproliferation programs of the Department of Energy as called for in the report of former Majority Leader of the Senate Howard Baker and former White House Counsel Lloyd Cutler; and

(B) the provision of increased funding for the Cooperative Threat Reduction (CTR) program of the Department of Defense;

(6) the expansion of the Cooperative Threat Reduction program to include additional states willing to engage in bilateral efforts to reduce their nuclear stockpiles;

(7) the provision of adequate funds for homeland security, including the provision of funds to State, local, and tribal governments to hire, equip, and train the first responders required by such governments; and

(8) the enhancement of the capability of the United States and other nations to detect nuclear weapons activity by the pursuit of transparency measures.

SENATE CONCURRENT RESOLUTION 13—CONDEMNING THE SELECTION OF LIBYA TO CHAIR THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS, AND FOR OTHER PURPOSES

Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. CORZINE) submitted the following concurrent resolution; which was ordered held at the desk:

S. CON. RES. 13

Whereas on January 20, 2003, Libya, a gross violator of human rights and State sponsor of terrorism, was elected to chair the United Nations Commission on Human Rights (the ''Commission''), a body charged with the responsibility of promoting universal respect for human rights and fundamental freedoms for all;

Whereas according to the rotation system that governs the selection of the Executive Board of the Commission, 2003 was designated as the year for the Africa Group to chair the Commission, and the Africa Group selected Libya as its candidate;

Whereas South Africa's Democratic Alliance spokeswoman, Dene Smuts, was quoted by the British Broadcasting Corporation as saying that the Government of South Africa's decision to support the election of Libya was an insult to human rights and that African countries ''should have supported a candidate of whom all Africans could be proud'';

Whereas Amnesty International has repeatedly documented that the human rights situation in Libya continues to seriously deteriorate, with systematic occurrences of gross human rights violations, including the extrajudicial execution of government opponents and the routine torture, and occasional resulting death, of political detainees during interrogation;

Whereas Human Rights Watch recently declared that ''[o]ver the past three decades, Libya's human rights record has been appalling'' and that ''Libya has been a closed country for United Nations and nongovernmental human rights investigators'';

Whereas Human Rights Watch further asserted that ''Libya's election poses a real test for the Commission,'' observing that ''[r]epressive governments must not be allowed to hijack the United Nations human rights system'';

Whereas the Lawyers Committee for Human Rights urged that ''the Government of Libya should not be entrusted by the United Nations to lead its international effort to promote human rights around the world'';

Whereas Freedom House declared that ''[a] country [such as Libya] with such a gross record of human rights abuses should not direct the proceedings of the United Nation's main human rights monitoring body'' because it would ''undermine the United Nation's moral authority and send a strong and clear message to fellow rights violators that they are in the clear'';

Whereas on November 13, 2001, a German court convicted a Libyan national for the 1986 bombing of the La Belle disco club in Berlin which killed two United States servicemen, and the court further declared that there was clear evidence of responsibility of the Government of Libya for the bombing;

Whereas Libya was responsible for the December 21, 1988, explosion of Pan American World Airways Flight 103 (''Pan Am Flight 103'') en route from London to New York City that crashed in Lockerbie, Scotland, killing 259 passengers and crew and 11 other people on the ground;

Whereas a French court convicted 6 Libyan government officials in absentia for the bombing of UTA Flight 772 over Niger in 1989;

Whereas, in response to Libya's complicity in international terrorism, United Nations Security Council Resolution 748 of March 31, 1992, imposed an arms and air embargo on Libya and established a United Nations Security Council sanctions committee to address measures against Libya;

Whereas United Nations Security Council Resolution 883 of November 11, 1993, tightened sanctions on Libya, including the freezing of Libyan funds and financial resources in other countries, and banned the provision to Libya of equipment for oil refining and transportation;

Whereas United Nations Security Council Resolution 1192 of August 27, 1998, reaffirmed that the measures set forth in previous resolutions remain in effect and binding on all Member States, and further expressed the intention of the United Nations to consider additional measures if the individuals charged in connection with the bombings of Pan Am Flight 103 and UTA Flight 772 had not promptly arrived or appeared for trial on those charges in accordance with paragraph (8) of that Resolution;

Whereas in January 2001, a three-judge Scottish court sitting in the Netherlands found Libyan Abdel Basset al-Megrahi guilty of the bombing of Pan Am Flight 103, sentenced him to life imprisonment, and said the court accepted evidence that he was a member of Libya's Jamahariya Security Organization, and in March 2002, a five-judge Scottish appeals court sitting in the Netherlands upheld the conviction;

Whereas United Nations Security Council Resolutions 731, 748, 883, and 1192 demanded that the Government of Libya provide appropriate compensation to the families of the victims, accept responsibility for the actions of Libyan officials in the bombing of Pan Am Flight 103, provide a full accounting of its involvement in that terrorist act, and cease all support for terrorism;

Whereas Libya remains on the Department of State's list of state-sponsors of terrorism;

Whereas the United States found the selection of Libya to chair the Commission to be an affront to international human rights efforts and, in particular, to victims of Libya's repression and Libyan-sponsored terrorism, and therefore broke with precedent and called for a recorded vote among Commission members on Libya's chairmanship;

Whereas Canada and one other country joined the United States in voting against Libya, with 17 countries abstaining from the recorded vote among Commission members on Libya's chairmanship of the Commission;

Whereas the common position of the members of the European Union was to abstain

from the recorded vote on the selection of Libya as chair of the Commission;

Whereas 33 countries ignored Libya's record on human rights and status as a country subject to United Nations sanctions for the terrorist bombing of Pan Am Flight 103 and voted for Libya to lead the Commission;

Whereas the majority of the countries that voted for Libya are recipients of United States foreign aid;

Whereas the selection of Libya to chair the Commission is only the most recent example of a malaise plaguing the Commission that has called into question the Commission's credibility as the membership ranks of the Commission have swelled in recent years with countries that have a history of egregious human rights violations;

Whereas the challenge by the United States to the selection of Libya is part of a broader effort to reform the Commission, reclaim it from the oppressors, and ensure that it fulfills its mandate;

Whereas on January 20, 2003, Ambassador Kevin Moley, United States Permanent Representative to the United Nations and Other International Organizations in Geneva, emphasized that the United States ''seek[s] to actively engage and strengthen the moral authority of the Commission on Human Rights, so that it once again proves itself a forceful advocate for those in need of having their human rights protected'' and that ''[w]e are convinced that the best way for the Commission to ensure the ideals of the Universal Declaration of Human Rights over the long-term is to have a membership comprised of countries with strong human rights records at home'';

Whereas a majority of the 53 member states of the Commission are participants in the Community of Democracies and signed the Community of Democracies Statement on Terrorism (the ''Statement on Terrorism'') on November 12, 2002, at the Second Ministerial Conference of the Community of Democracies held in Seoul, South Korea (the ''Seoul Ministerial''), calling upon democratic nations to work together to uphold the principles of democracy, freedom, good governance, and accountability in international organizations;

Whereas the Seoul Ministerial participants declared in the Statement on Terrorism that they ''strongly denounced terrorism as a grave threat to democratic societies and the values they embrace[,]...reaffirmed that terrorism constitutes a threat to international peace and security as well as to humanity in general and indeed to the very foundation on which democracies are built[,]'' and stated that ''[t]he most recent terrorist attacks confirm that international cooperation against terrorism will remain a long-term effort and requires a sustained universal commitment'';

Whereas the United Nations sanctions against Libya, though suspended, remain in effect; and

Whereas Libya's continued status as an international outlaw nation and its continued unwillingness to accept responsibility for its terrorist actions provide ample justification for barring Libya from consideration as a candidate for membership in the United Nations Security Council or any other United Nations entity or affiliated agency: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) strongly condemns the selection of Libya to chair the United Nations Commission on Human Rights (the ''Commission'');

(2) commends the President for the principled position of the United States in objecting to and calling for a vote on Libya's chairmanship of the Commission;

(3) commends countries that joined the United States in objecting to Libya's selection as chair of the Commission;

(4) expresses its dismay at the European Union countries' common position of abstention on the critical vote over Libya's chairmanship;

(5) expresses its shock and dismay over the support provided to Libya in its efforts to lead the Commission;

(6) highlights its grave concern over the continuing efforts of countries violating human rights and terrorist countries to use international fora—

(A) to legitimize their regimes; and

(B) to continue to act with impunity;

(7) calls on the President to raise United States objections to such efforts during bilateral and multilateral discussions and to direct pertinent members of the President's Cabinet to do the same;

(8) calls on countries at various stages of democratization to—

(A) demonstrate their commitment to human rights, democracy, peace and security; and

(B) support efforts to reform the Commission;

(9) calls on the President to instruct the Secretary of State to consult with the appropriate congressional committees, within 60 calendar days after the adoption of this resolution, regarding the priorities and strategy of the United States for the 59th session of the Commission on Human Rights and its strategy and proposals for reform of the Commission;

(10) calls on the President to issue an objection to the continued suspension of United Nations sanctions against Libya until the Government of Libya—

(A) publicly accepts responsibility for the bombing of Pan American World Airways Flight 103;

(B) provides appropriate compensation to the victims of the bombing; and

(C) fully complies with all of the other requirements of the United Nations sanctions imposed as a result of Libya's orchestration of the terrorist attack on Pan American World Airways Flight 103; and

(11) calls on the Secretary of State to engage Member States of the United Nations to support efforts to ensure that states that are gross violators of human rights, sponsors of terrorist activities, or subjects of United Nations sanctions are not elected to—

(A) leadership positions in the United Nations General Assembly; or

(B) membership or leadership positions on the United Nations Commission on Human Rights, the United Nations Security Council, or any other United Nations entity or affiliate.

Mr. LAUTENBERG. Mr. President, I rise today to introduce a resolution condemning the recent selection of Libya to chair the 59th session of the United Nations Commission on Human Rights. If it was not so tragic, this selection would be a joke. That session begins in just a few days, on March 17.

Joining me as cosponsors are Senators SMITH, KENNEDY, FEINSTEIN, and CORZINE.

The reason I say it would almost be a joke is that it is unconscionable that a human rights abuser such as Libya, and a country that has been the subject of United Nations sanctions because of its links to terrorist activities, would be selected to lead an international human rights organization. Talk about the fox in the chicken coop, this is an exact replication of what that old saw is. Libya has not even complied with the Commission's own recommendations on how to improve its own dismal human rights record.

We are talking about a country that was responsible for downing a passenger airliner and the bombing of a discotheque in Europe.

Libya's selection to the chairmanship undermines the credibility of this Commission and threatens the international community's responsibility to protect human rights. How can the Commission retain any credibility with Libya at the helm?

I want to review Libya's human rights record over the past three decades, which Human Rights Watch characterizes as ''appalling.'' This record includes the abduction, forced disappearance, and assassination of political opponents. In Libya today, hundreds of people remain arbitrarily detained, and some have been so for over a decade. Human rights monitors have registered concern about the use of physical and psychological torture in detainment, leading to the deaths of some detainees.

Additionally, the Libyan Government restricts freedom of speech, press, assembly, association, and religion.

Does a government with such a record merit the chair of a Commission that was established in 1946, in the wake of the atrocities of World War II, specifically to protect the Universal Declaration of Human Rights? Libya should not chair this Commission. If anything, it should be under investigation by it.

In 2000, after years of investigations and appeals, two Libyan intelligence officers were found guilty by Scottish judges in the attack on Pan Am flight 103, which killed 270 people, including 38 from New Jersey and citizens from over 20 other countries.

Just as the international community was finally sentencing the Libyans responsible for this 1988 tragedy, and beginning to bring them to justice, General Qadhafi was planning Libya's ascent to lead the Commission on Human Rights. He gained the African nomination for chair against the wishes of many fellow African leaders, some of whom are making genuine strides toward improving their countries' human rights records.

At the time, a spokeswoman from South Africa's opposition group, the Democratic Alliance, said:

> African countries should have supported a candidate of whom all Africans could be proud.

For the first time in the history of the Commission on Human Rights, the United States—appalled by the African Union's nomination of Libya—called for a vote. On January 20 of this year, only Canada and one other country joined the United States in voting against Libya's chairmanship. Many of the 33 countries that voted in favor of Libya are recipients of United States direct foreign assistance. Imagine, we are giving them aid, and these countries are supporting the chairmanship

of a country that is an abuser of human rights of the first order. Many of our European allies abstained from the vote.

The resolution I am introducing with my colleagues, Senators SMITH, KENNEDY, FEINSTEIN, and CORZINE, condemns Libya's selection as chair. It asserts that the manipulation of the Commission by a gross human rights violator undermines the credibility of the body while legitimizing regimes that continue their oppressive activities.

This resolution calls on countries throughout the world to renew their commitment to human rights. The resolution also calls on the President and the Secretary of State to object strongly to the United Nations' current suspension of its sanctions against Libya. These sanctions should remain in place until Libya complies with the requirements of multiple U.N. resolutions, one of which calls on Libyan leader Muammar Qadhafi to acknowledge responsibility for the 1988 Pan Am terrorism attack—something he has refused to do so far, despite the incontrovertible evidence.

Finally, in this resolution, I call on the Secretary of State to work with other members of the United Nations to reform that Commission and to ensure that governments that violate human rights, sponsor terrorist activities, and are subject to U.N. sanctions cannot be elected to leadership positions in the Commission and other U.N. bodies in the future.

Mr. KENNEDY. Mr. President, it is a privilege to join with my colleague from New Jersey, Senator Lautenberg in expressing our deepest concern that Libya will chair the next session of the United Nations Human Rights Commission.

We know that Libya has supported, trained, and harbored some of the most notorious terrorists in the world. Libya is on the Department of State's list of nations that sponsor terrorism. To allow Libya to chair the UN Human Rights Commission is a serious and shameful mistake.

At this difficult time, the United Nations needs the highest possible credibility as it struggles to deal effectively with so many vital issues affecting nations throughout the world.

In fact, Libya continues to be in violation of multiple United Nations resolutions. It still has not complied with Security Council Resolution 748 to ''accept complete responsibility for the actions of Libyan officials.''

Libya still has not complied with the resolution to ''commit itself definitively to cease all forms of terrorist action and all assistance to terrorist groups and promptly, by concrete actions, demonstrate its renunciation of terrorism.'' We have received nothing concrete renouncing terrorism.

The international community is still waiting for Libya to accept responsibility for the 1988 bombing of Pan Am Flight 103, a bombing that murdered 270 innocent persons, including 89 Americans and 13 from Massachusetts. Until September 11th, the Pan Am bombing had killed more Americans than any other terrorist atrocity in our history.

Clearly, Libya should not have been appointed to chair an international human rights commission. Yet, in a secret ballot, 33 countries voted in favor of Libya, 17 abstained, and only the United States and Canada voted against Libya.

Fourteen years later, the families and the world community are still trying to find justice. We are still trying to hold Libya accountable for this atrocity, and we are still asking Libya to renounce terrorism and pay appropriate compensation to the victims' families.

Colonel Qadhafi still has not acknowledged that he ordered the attack. The victims still have not been compensated. The Libyans are still demanding that international economic sanctions be lifted, and that the Libyan government receive a clean bill of health on terrorism before it provides compensation to the families.

This choice of Libya should be a wakeup call for this administration. It shows the need for our own genuine participation in the UN—not the arrogant attitude the administration so often uses in its relations with other nations. We cannot expect to have good ties, even with our allies, if we do not treat them with respect.

I urge the Senate to support this proposal that requests President Bush and Secretary of State Powell to object strongly to the UN's current suspension of sanctions against Libya and to work with other members of the UN to reform the Human Rights Commission. Terrorism deserves no support from any nation.

SENATE CONCURRENT RESOLUTION 14—EXPRESSING THE SENSE OF CONGRESS REGARDING THE EDUCATION CURRICULUM IN THE KINDGOM OF SAUDI ARABIA

Mr. SMITH (for himself, Mr. SCHUMER, Mr. CORZINE, Mr. ENSIGN, Mr. FEINGOLD, Mrs. MURRAY, Mr. SANTORUM, Mr. VOINOVICH, and Mr. WYDEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 14

Whereas the terrorist attacks on the United States on September 11, 2001, were carried out by 19 hijackers, including 15 Saudi Arabian nationals;

Whereas the Government of Saudi Arabia controls and regulates all forms of education in public and private schools at all levels;

Whereas Islamic religious education is compulsory in public and private schools at all levels in Saudi Arabia;

Whereas the religious curriculum is written, monitored, and taught by followers of the Wahhabi interpretation of Islam, the only religious doctrine that the Government of Saudi Arabia allows to be taught;

Whereas rote memorization of religious texts continues to be a central feature of much of the educational system of Saudi Arabia, leaving thousands of students unprepared to function in the global economy of the 21st century;

Whereas the Government of Saudi Arabia has tolerated elements within its education system that promote and encourage extremism;

Whereas some of the textbooks used in schools in Saudi Arabia foster a combination of intolerance, ignorance, and anti-Semitic, anti-American, and anti-Western views;

Whereas these intolerant views make students in whom they are instilled prime recruiting targets of extremist groups;

Whereas extremism endangers the stability of the Kingdom of Saudi Arabia and the Middle East region and threatens global security;

Whereas the events of September 11, 2001, have created an urgent need to promote moderate voices in the Islamic world as an effective way to combat extremism; and

Whereas the Government of Saudi Arabia is currently conducting a review of its education curriculum: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) supports the review by the Government of Saudi Arabia of its education curriculum;

(2) calls on the Government of Saudi Arabia to ensure that such review is thorough, objective, and public;

(3) requests the United States Representative to the United Nations Educational, Scientific and Cultural Organization (UNESCO) to—

(A) address the issue of the educational curriculum reform at the 2003 session of the UNESCO General Conference; and

(B) encourage UNESCO to examine the educational system in Saudi Arabia and monitor the progress of the efforts to reform the curriculum; and

(4) urges the Government of Saudi Arabia to reform its education curriculum in a manner that promotes tolerance, develops civil society, and encourages functionality in the global economy.

Mr. SMITH. Mr. President, I rise today to introduce an important resolution on behalf of myself and Mr. SCHUMER that brings to light pervasive messages of intolerance in Saudi Arabia's education curriculum and the need for reform of that curriculum. We are joined in this effort by Mr. CORZINE, Mr. ENSIGN, Mr. FEINGOLD, Mrs. MURRAY, Mr. SANTORUM, Mr. VOINOVICH, and Mr. WYDEN.

There have been recent studies that reveal that school textbooks in Saudi Arabia often foster anti-Semitic, anti-American, and anti-Western views. We might all recall that 15 of the 19 hijackers responsible for the September 11 terrorist attacks were Saudi Arabian nationals. It is absolutely critical that we and others in the United States work to ensure that radical doctrines and messages of hate are not present in any child's education, and that the values taught in Saudi Arabia's schools in particular do not turn innocent children into prime candidates to commit terrorist acts as adults.

There is no question of who is responsible for any messages of hate that might appear in Saudi textbooks. The Saudi Arabian Government controls and regulates all forms of education in

public as well as in private schools. The religious curriculum is written, monitored, and taught by followers of the Wahhabi interpretation of Islam—the only religious doctrine the Government of Saudi Arabia allows to be taught.

Our important resolution calls for Saudi Arabia to thoroughly review its education curriculum and to reform it in a manner that promotes tolerance, develops civil society, and encourages functionality in the global economy. It is in the interest of security and peace that we end any educational malpractice in Saudi Arabia that might lead to more tragedy and terror.

Finally, the resolution also calls upon the United States Representative to UNESCO to urge that the U.N. body take up the textbook issue and monitor reform of the education curriculum in Saudi Arabia.

Mr. President, I also urge my respected colleagues to join us in supporting this important legislation.

SENATE CONCURRENT RESOLUTION 15—COMMEMORATING THE 140TH ANNIVERSARY OF THE ISSUANCE OF THE EMANCIPATION PROCLAMATION

Mr. ALLEN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 15

Whereas Abraham Lincoln, the sixteenth President of the United States, issued a proclamation on September 22, 1862, declaring that on the first day of January, 1863, ''all persons held as slaves within any State or designated part of a State the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free'';

Whereas the proclamation declared ''all persons held slaves within the insurgent States''—with the exception of Tennessee, southern Louisiana, and parts of Virginia, then within Union lines—''are free'';

Whereas, for two and half years, Texas slaves were held in bondage after the Emancipation Proclamation became official and only after Major General Gordon Granger and his soldiers arrived in Galveston, Texas, on June 19, 1865, were African-American slaves in that State set free;

Whereas slavery was a horrendous practice and trade in human trafficking that continued until the passage of the Thirteenth Amendment to the United States Constitution ending slavery on December 18, 1865;

Whereas the Emancipation Proclamation is historically significant and history is regarded as a means of understanding the past and solving the challenges of the future;

Whereas one hundred and forty years after President Lincoln's Emancipation Proclamation, African Americans have integrated into various levels of society; and

Whereas commemorating the 140th anniversary of the Emancipation Proclamation highlights and reflects the suffering and progress of the faith and strength of character shown by slaves and their descendants as an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the historical significance of the 140th anniversary of the Emancipation Proclamation as an important period in the Nation's history; and

(2) encourages its celebration in accordance with the spirit, strength, and legacy of freedom, justice, and equality for all people of America and to provide an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation.

SENATE CONCURRENT RESOLUTION 16—HONORING THE LIFE AND WORK OF MR. FRED McFEELY ROGERS

Mr. SANTORUM submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 16

Whereas Fred Rogers was born in Latrobe, Pennsylvania, in 1928;

Whereas Fred Rogers earned a degree in music composition, studied child development at the University of Pittsburgh, attended Pittsburgh Theological Seminary, and was ordained a Presbyterian minister;

Whereas Fred Rogers created ''Mr. Rogers' Neighborhood'' in 1966, and hosted the program through the Public Broadcasting Service (PBS) from 1968 through 2000;

Whereas ''Mr. Rogers' Neighborhood'' is the longest-running program on PBS;

Whereas ''Mr. Rogers' Neighborhood'' was created and filmed in Fred Rogers' hometown of Pittsburgh, Pennsylvania;

Whereas Fred Rogers' caring, genuine spirit reflects the values shared by the people of southwestern Pennsylvania and by so many neighborhoods throughout the country;

Whereas ''Mr. Rogers' Neighborhood'' continues to be a nurturing, educational program for children emphasizing the value of every individual and helping children understand how they fit into their families, communities, and country;

Whereas Fred Rogers was appointed Chairman of the Forum on Mass Media and Child Development of the White House Conference on Youth in 1968;

Whereas ''Mr. Rogers' Neighborhood'' won 4 Emmy Awards, ''Lifetime Achievement'' Awards, and 2 George Foster Peabody Awards;

Whereas Fred Rogers won every major award in television for which he was eligible;

Whereas Fred Rogers was inducted into the Television Hall of Fame in 1999;

Whereas President George W. Bush awarded Mr. Rogers the Presidential Medal of Honor in 2002;

Whereas Fred Rogers was also a prolific songwriter and author; and

Whereas Fred Rogers was presented with over 40 honorary degrees from colleges and universities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes and honors Mr. Fred McFeely Rogers for—

(1) dedicating his career to the educational and imaginative children's program ''Mr. Rogers' Neighborhood'';

(2) the accomplishments of this influential program and the emphasis it places on the value of each individual within his or her community; and

(3) the compassionate, moral example he set for millions of American children for over 30 years.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to Mrs. Joanne Rogers.

SENATE CONCURRENT RESOLUTION 17—ESTABLISHING A SPECIAL TASK FORCE TO RECOMMEND AN APPROPRIATE RECOGNITION FOR THE SLAVE LABORERS WHO WORKED ON THE CONSTRUCTION OF THE UNITED STATES CAPITOL

Mr. SANTORUM submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 17

Whereas the United States Capitol stands as a symbol of democracy, equality, and freedom to the entire world;

Whereas the year 2003 marks the 203d anniversary of the opening of this historic structure for the first session of Congress to be held in the new Capital City;

Whereas slavery was not prohibited throughout the United States until the ratification of the 13th amendment to the Constitution in 1865;

Whereas prior to that date, African American slave labor was both legal and common in the District of Columbia and the adjoining States of Maryland and Virginia;

Whereas public records attest to the fact that African American slave labor was used in the construction of the United States Capitol;

Whereas public records further attest to the fact that the five-dollar-per-month payment for that African American slave labor was made directly to slave owners and not to the laborer; and

Whereas African Americans made significant contributions and fought bravely for freedom during the American Revolutionary War: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Majority Leader of the Senate and the Speaker of the House of Representatives shall establish a special task force to include the Historian of the Senate, the Historian of the House of Representatives, the Architect of the Capitol, and the Librarian of Congress, to study the history and contributions of these slave laborers in the construction of the United States Capitol; and

(2) such special task force shall produce a summary document of the contributions of slave laborers and available research for the public, and shall recommend to the Majority Leader of the Senate and the Speaker of the House of Representatives an appropriate recognition for these slave laborers which could be displayed in a prominent location in, or near, the United States Capitol.

AMENDMENTS SUBMITTED & PROPOSED

SA 250. Mr. DURBIN proposed an amendment to the resolution of ratification for Treaty Doc. 107–8, The Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, Signed at Moscow on May 24, 2002.

TEXT OF AMENDMENTS

SA 250. Mr. DURBIN proposed an amendment to the resolution of ratification for Treaty Doc. 107–8, The Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, Signed at Moscow on May 24, 2002; as follows:

At the end of section 2, add the following new condition:

(3) COMPLIANCE REPORT.—Not later than 60 days after the exchange of instruments of ratification of the Treaty, and annually thereafter on April 15, the President shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report on the compliance of the President with the requirements of condition (a)(8) of the resolution of ratification of the Treaty on Reduction and Limitation of Strategic Offensive Arms, with Annexes, Protocols, and Memorandum of Understanding, signed at Moscow on July 31, 1991 (START Treaty), which states that ''[in] as much as the prospect of a loss of control of nuclear weapons or fissile material in the former Soviet Union could pose a serious threat to the United States and to international peace and security, in connection with any further agreement reducing strategic offensive arms, the President shall seek an appropriate arrangement, including the use of reciprocal inspections, data exchanges, and other cooperative measures, to monitor (A) the numbers of nuclear stockpile weapons on the territory of the parties to [the START Treaty]; and (B) the location and inventory of facilities on the territory of the parties to [the START Treaty] capable of producing or processing significant quantities of fissile materials''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, March 18, 10:00 a.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony regarding water supply issues in the arid west. (Contact: Shelly Randel at 202–224–7933 or Jared Stubbs at 202–224–7556).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, March 6, 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 212, a bill authorizing the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer and for other purposes; and S. 220 and H.R. 397, bills to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois. (Contact: Shelly Randel regarding S. 212 at 202–224–7933, Kellie Donnelly regarding S. 220 and H.R. 397 at 202–224–49360 or Jared Stubbs at 202–224–7556).

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, March 5, 2003, at 10:00 a.m., to hear testimony on the Administration's Trade Agenda.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 5, 2003, at 10:30 a.m., to hold a Top Secret Briefing on the Turkish Aid Negotiations and Developments in Northern Iraq.

Briefers: The Honorable Beth Jones, Assistant Secretary for European Affairs, Department of State; The Honorable Earl Anthony Wayne, Assistant Secretary for Economic & Business Affairs, Department of State; The Honorable Ryan C. Crocker, Deputy Assistant Secretary for Near Eastern Affairs, Department of State; Mr. Ian Brzezinksi, Deputy Assistant Secretary for European and NATO Affairs, Department of Defense; and Major General Dunne, Vice Director, J–5, The Joint Staff, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 5, 2003, at 3 p.m., to hold a hearing on Tax Convention with the United Kingdom (T.Doc. 107–19) and Protocols Amending Tax Conventions with Australia (T.Doc. 107–20) and Mexico (T.Doc. 108–3).

Witnesses

Panel 1: Ms. Barbara M. Angus, International Tax Counsel, Department of the Treasury, Washington, DC Mr. David Noren, Legislation Counsel, Joint Committee on Taxation, Washington, DC.

Panel 2: The Honorable William Reinsch, President, National Foreign Trade Council, Inc., Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, March 5, 2003, at 10 a.m., for a business meeting to consider S. 380 and also pending nominations before the Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 5, 2003, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a BUSINESS MEETING on pending Committee business, to be followed immediately by a HEARING on the President's FY 2004 Budget for Indian Programs

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''The Asbestos Litigation Crisis Continues—It is Time for Congress to Act'' on Wednesday, March 5, 2003, at 2 p.m. in Hart Senate Office Building Room 216.

Panel I: The Honorable MAX BAUCUS, U.S. Senator [D–MT], Washington, DC; The Honorable GEORGE V. VOINOVICH, U.S. Senator [R–OH], Washington, DC.

Panel II: Melvin McCandless, Williamston, NC; Brian Harvey, Vashon, WA; David Austern, Esq., President, Claims Resolution Management, General Counsel for the Manville Personal Injury Settlement Trust, Fairfax, VA; Dennis Archer, Esq., President-Elect, American Bar Association, Washington, DC; Jonathan Hiatt, Esq., General Counsel, American Federation of Labor and Congress of Industrial Organizations (AFL–CIO), Washington, DC; Steven Kazan, Esq., Partner, Kazan, McClain, Edises, Abrams, Fernandez, Lyons & Farrise, Oakland, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the subcommittee on Communications be authorized to meet on Wednesday, March 5, 2003, at 9:30 a.m. on E911.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Paul Veidenheimer, a fellow on my staff, be granted the privileges of the floor for the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I ask unanimous consent that Jason Hamm, a presidential

management intern for the Committee on Foreign Affairs Committee, be given floor privileges during the debate on the Moscow Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTED VERSION OF S. RES. 71 AS PASSED ON MARCH 4, 2003

Whereas a 3-judge panel of the Ninth Circuit Court of Appeals has ruled in Newdow v. United States Congress that the words ''under God'' in the Pledge of Allegiance violate the Establishment Clause when recited voluntarily by students in public schools;

Whereas the Ninth Circuit has voted not to have the full court, en banc, reconsider the decision of the panel in Newdow;

Whereas this country was founded on religious freedom by the Founding Fathers, many of whom were deeply religious;

Whereas the First Amendment to the Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the Government establishing a religion;

Whereas the Pledge of Allegiance was written by Francis Bellamy, a Baptist minister, and first published in the September 8, 1892, issue of the Youth's Companion;

Whereas Congress, in 1954, added the words ''under God'' to the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for almost 50 years included references to the United States flag, the country, to our country having been established as a union ''under God'' and to this country being dedicated to securing ''liberty and justice for all'';

Whereas Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the 107th Congress overwhelmingly passed a resolution disapproving of the panel decision of the Ninth Circuit in Newdow, and overwhelmingly passed legislation recodifying Federal law that establishes the Pledge of Allegiance in order to demonstrate Congress's opinion that voluntarily reciting the Pledge in public schools is constitutional;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954 and as recodified in 2002, is a fully constitutional expression of patriotism;

Whereas the National Motto, patriotic songs, United States legal tender, and engravings on Federal buildings also refer to ''God''; and

Whereas in accordance with decisions of the United States Supreme Court, public school students are already protected from being compelled to recite the Pledge of Allegiance: Now, therefore, be it

Resolved, That the Senate—

(1) strongly disapproves of a decision by a panel of the Ninth Circuit in Newdow, and the decision of the full court not to reconsider this case en banc; and

(2) authorizes and instructs the Senate Legal Counsel either to seek to intervene in the case to defend the constitutionality of the words ''under God'' in the Pledge, or to file an amicus curiae brief in support of the continuing constitutionality of the words ''under God'' in the Pledge.

HONORING MR. FRED MCFEELY ROGERS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 16 submitted earlier today by Senators SANTORUM and SPECTER.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 16) honoring the life and work of Mr. Fred McFeely Rogers.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SPECTER. Mr. President, I have sought recognition to pay tribute to Mr. Fred Rogers, the beloved host of the Public Broadcasting Service, PBS children's television program, Mister Rogers' Neighborhood.

For more than 30 years, America has been fortunate to have one of the most caring and dedicated neighbors in Mr. Rogers. His soft-spoken and patient manner put viewers at ease and allowed Mr. Rogers to courageously address adult topics such as death, divorce, and anger. The neighborhood of make believe residents helped to illustrate differences in people and teach children the importance of cooperation. From King Friday and Queen Sara Saturday to Henrietta Pussycat and Daniel Stripped Tiger, diversity, tolerance, and problem solving were not only taught, but celebrated.

Mr. Rogers is a role model for people and parents everywhere. His ability to communicate with children offered them a place, every morning, where they felt accepted and understood. Mr. Rogers, dressed in his signature cardigan sweater and tying his tennis shoes, often sang the song ''You Are Special'' in which he said, ''You are my friend. You are special to me. You are the only one like you. Like you, my friend, I like you.'' I cannot think of a more important lesson to teach children than the lesson of self-esteem. Mr. Rogers taught self-esteem, but he was never limited in his lessons. Just as importantly, he helped his viewers explore subjects they were curious about and develop their own sense of self and creativity through imagination, all the while helping to teach self-discipline.

Mr. Rogers was much more than simply a great neighbor. Born in Latrobe, PA, on March 20, 1928, Fred Rogers began his television career in New York City in 1951. With a music composition degree from Rollins College, Mr. Rogers served as an apprentice at NBC managing the musical selections for some of the network's earliest shows. In 1953, after marrying college sweetheart Sara Joanne Byrd, Mr. Rogers returned to Pennsylvania to develop programming at WQED in Pittsburgh. It was at WQED that Mr. Rogers' Neighborhood really flourished. After working as a puppeteer, Mr. Rogers had the opportunity to develop his own 15 minute segment that eventually became the Mr. Rogers Neighborhood that America knows and loves today. Over thirty years and almost 900 episodes later, the messages that Mr. Rogers delivered are as vital now as they were in 1960.

Mr. Rogers' accomplishments reach far beyond the boundaries of the neighborhood. Ordained by the Pittsburgh Presbytery in 1962, Mr. Rogers was active in child and family advocacy on all levels. In 1972, Mr. Rogers formed Family Communications, Inc. to produce educational entertainment for children and families and resources for teachers. Mr. Rogers most recently partnered with the Western Pennsylvania Caring Foundation to establish the Caring Place for grieving children in an effort to make sure that children who experienced a loss did not feel so alone.

During his career of service to children, families, and communities, Mr. Rogers was the recipient of two George Foster Peabody Awards, four Emmys, and two ''Lifetime Achievement Awards'' from the National Academy of Television Arts and Sciences and the TV Critics Association. In July 2002, Mr. Rogers was awarded the Presidential Medal of Freedom—the Nation's highest civilian honor—for his dedication to the well-being of children and for a career that demonstrates the importance of kindness, compassion, and learning. All of these awards added to the 30 honorary degrees that Mr. Rogers received throughout the years.

Mr. Rogers was no stranger to Capitol Hill. After testifying before the Senate in 1969, Mr. Rogers made an almost annual visit to Capitol Hill to express how deeply he believed in the importance of education. I was honored to have Mr. Rogers as a guest in my office during his many visits to the Senate. While walking around the U.S. Capitol with him, my Senate colleagues and their staff flocked to Mr. Rogers as if he were royalty, which he most certainly was. Always kind enough to stop and say hello or pose for a picture, Mr. Rogers truly epitomized the quintessential teacher, father, friend, guide, and neighbor.

Mr. Rogers' ability to talk about the things that really matter in childhood have made him an inspiration to two generations of children already, and to countless generations to come. Our nation's children are better today for having had the counsel and wisdom of Pittsburgh's own Mr. Rogers. All of us were truly fortunate to have had the best neighbor in Mr. Rogers.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 16) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 16

Whereas Fred Rogers was born in Latrobe, Pennsylvania, in 1928;

Whereas Fred Rogers earned a degree in music composition, studied child development at the University of Pittsburgh, attended Pittsburgh Theological Seminary, and was ordained a Presbyterian minister;

Whereas Fred Rogers created ''Mr. Rogers' Neighborhood'' in 1966, and hosted the program through the Public Broadcasting Service (PBS) from 1968 through 2000;

Whereas ''Mr. Rogers' Neighborhood'' is the longest-running program on PBS;

Whereas ''Mr. Rogers' Neighborhood'' was created and filmed in Fred Rogers' hometown of Pittsburgh, Pennsylvania;

Whereas Fred Rogers' caring, genuine spirit reflects the values shared by the people of southwestern Pennsylvania and by so many neighborhoods throughout the country;

Whereas ''Mr. Rogers' Neighborhood'' continues to be a nurturing, educational program for children emphasizing the value of every individual and helping children understand how they fit into their families, communities, and country;

Whereas Fred Rogers was appointed Chairman of the Forum on Mass Media and Child Development of the White House Conference on Youth in 1968;

Whereas ''Mr. Rogers' Neighborhood'' won 4 Emmy Awards, ''Lifetime Achievement'' Awards, and 2 George Foster Peabody Awards;

Whereas Fred Rogers won every major award in television for which he was eligible;

Whereas Fred Rogers was inducted into the Television Hall of Fame in 1999;

Whereas President George W. Bush awarded Mr. Rogers the Presidential Medal of Honor in 2002;

Whereas Fred Rogers was also a prolific songwriter and author; and

Whereas Fred Rogers was presented with over 40 honorary degrees from colleges and universities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes and honors Mr. Fred McFeely Rogers for—

(1) dedicating his career to the educational and imaginative children's program ''Mr. Rogers' Neighborhood'';

(2) the accomplishments of this influential program and the emphasis it places on the value of each individual within his or her community; and

(3) the compassionate, moral example he set for millions of American children for over 30 years.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to Mrs. Joanne Rogers.

MEASURE INDEFINITELY POSTPONED—S. CON. RES. 12

Mr. BENNETT. Mr. President, I ask unanimous consent that S. Con. Res. 12 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Oregon (Mr. SMITH) as Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 108th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Alabama (Mr. SESSIONS) as Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 108th Congress.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Senator from Mississippi (Mr. COCHRAN) as Chairman of the Senate Delegation to the British-American Interparliamentary Group conference during the 108th Congress.

ORDERS FOR THURSDAY, MARCH 6, 2003

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, March 6. I further ask unanimous consent that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period for morning business until the hour of 10 a.m., with the time equally divided between Senators HAGEL and DORGAN. I further ask unanimous consent that at 10 a.m., the Senate return to executive session and resume consideration of the nomination of Miguel Estrada to be a Circuit Court Judge for the DC Circuit, and that the time until the hour of 10:30 a.m. be equally divided between the chairman and the ranking member of the Judiciary Committee or their designees; provided further, that at 10:30 a.m., the Senate proceed to the vote on the motion to invoke cloture on the Estrada nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, for the information of all Senators, tomorrow morning the Senate will be in a period for morning business until 10 a.m. Following morning business, the Senate will return to the Estrada nomination. At 10:30 a.m., the Senate will vote on the motion to invoke cloture on this important nomination. If cloture is not invoked on the nomination, the Senate will then resume consideration of the Moscow Treaty. Additional amendments are expected to the resolution of ratification and, therefore, Senators should anticipate votes throughout the day. The Senate will complete action on the Moscow Treaty this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Thursday, March 6, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 5, 2003:

DEPARTMENT OF STATE

ROLAND W. BULLEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

WAYNE E. NEILL, OF NEVADA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

STEPHEN D. MULL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

DEPARTMENT OF JUSTICE

DIANE M. STUART, OF UTAH, TO BE DIRECTOR OF THE VIOLENCE AGAINST WOMEN OFFICE, DEPARTMENT OF JUSTICE. (NEW POSITION)

THE JUDICIARY

MICHAEL CHERTOFF, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE MORTON I. GREENBERG, RETIRED.

RICHARD C. WESLEY, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE PIERRE N. LEVAL, RETIRED.

STEPHEN C. ROBINSON, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE JOHN S. MARTIN, JR., RETIRED.

P. KEVIN CASTEL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE LAWRENCE M. MCKENNA, RETIRED.

SAMUEL DER-YEGHIAYAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE MARVIN E. ASPEN, RETIRED.

EXTENSIONS OF REMARKS

RECOGNIZING VERONICA CHRISTIANSEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Veronica Christiansen, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, troop 472, and in earning the most prestigious honor of the Gold Award.

The Girl Scout Gold Award is the highest achievement attainable in girl scouting. To earn the Gold Award, a scout must complete five requirements, all of which promote community service, personal and spiritual growth, positive values, and leadership skills. The requirements include: 1. Earning four interest project patches, each of which requires seven activities that center on skill building, technology, service projects, and career exploration, 2. Earning the career exploration pin, which involves researching careers, writing resumes, and planning a career fair or trip, 3. Earning the Senior Girl Scout Leadership Award, which requires a minimum of 30 hours of work using leadership skills, 4. Designing a self-development plan that requires assessment of ability to interact with others and prioritize values, participation for a minimum of 15 hours in a community service project, and development of a plan to promote girl scouting, and 5. Spending a minimum of 50 hours planning and implementing a Girl Scout Gold Award project that has a positive lasting impact on the community.

For her gold award project, Veronica refurbished and painted a playground.

Mr. Speaker, I proudly ask you to join me in commending Veronica Christiansen for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of the Gold Award.

HEART DISEASE IN AMERICA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. BACA. I would like to take the opportunity to thank Congresswoman JULIA CARSON for helping bring awareness to heart disease. Heart disease is America's number one cause of death. That fact alone is distressing but coupled with the fact that many cases of heart disease are preventable makes the issue catastrophic. Approximately 108 million Americans are overweight. 44 million are obese. This nation has got to do better about taking care of our health not only for our own lives, but also for the lives of our children.

Children in America are learning bad habits. They are not being exposed to the proper diets or the necessary physical activity. Too often children sit idle throughout a school day and then return home to once again sit idly in front of a TV playing a video game. We need to learn the lesson that stimulation of the muscles and body are just as important as stimulation of the mind. Cases of heart disease will only continue to increase until we make a conscious effort to offer better nutrition in schools, access to health education, and more access to physical activity.

This month is American Heart Month and the American Heart Association wants us all to learn the warning signs of a heart attack, because so often people ignore the signs and the situation becomes fatal. This message is important and we should help bring more attention to this life saving information. However, we should not rely on warning signs alone to save our lives. Prevention is essential.

Heart Disease is not an issue that can be ignored by certain segments of the population. It is not a Caucasian disease, an African-American disease or a Latino disease. It is a disease that affects everyone! It is the leading cause of death for all Americans! That is why we must all come together to make a change collectively!

TRIBUTE TO THE LATE BOB BILLINGS OF LAWRENCE, KANSAS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. MOORE. Mr. Speaker, on February 13th the city of Lawrence, Kansas, lost one of its most influential and visionary leaders with the death of Bob Billings.

The leading developer in Douglas County, Kansas, Bob Billings, more than any other individual, was responsible for the growth and development of suburban, west Lawrence. Most notably, he designed and developed the Alvamar development: more than 3000 acres of residential and commercial property, a nationally recognized public golf course and a country club complex.

Mr. Speaker, I am placing into the RECORD two articles concerning Bob Billings from The Lawrence Journal World: his obituary, and an article describing his recent memorial service. I join with Bob Billings' many friends and business colleagues in mouming his passing and in expressing deep sympathy to Beverly Billings for the loss of her husband.

[From the Lawrence Journal-World, Feb. 14, 2003]

ALVAMAR DEVELOPER DIES; FRIENDS RECALL ''VISIONARY'' DEEDS

(By Ann Gardner)

Bob Billings, a Kansas University alumnus who changed the face of Lawrence with his work as a developer, philanthropist and community leader, died Thursday at home. He was 65.

As President of Alvamar, Inc., Billings helped lead the development of thousands of acres in west Lawrence. As a student athlete at Kansas University, he was a player on the 1957 Jayhawk basketball team that made it to the NCAA championship game. And as a man, friends and business associates said Thursday, his optimism and humanity touched many lives.

His most obvious legacy, though, is the development Billings created in partnership with Realtor John McGrew and Mel Anderson. Alvamar encompasses more than 3,000 acres of residential and commercial property, a nationally recognized public golf course and the Alvamar Country Club complex.

''There is a quality of life around here that would not exist if he had not been the active, optimistic, visionary, enthusiastic person he was,'' McGrew said. ''Bob was the best, the absolute best in just about everything. . . . I think history will say that Bob was one of the major influences for good in this area and the state.''

Douglas County Administrator Craig Weinaug remembered Billings as different from many developers. ''In negotiations with developers or somebody in the development business, normally you have to be very careful, to be sure the public interest is protected.

''With Bob, he'd often be pointing out to us the things we needed to do to protect the public interest, often to his own detriment. He was a man with an incredible amount of integrity and with an incredible love for Lawrence, and the physical evidence of that will be permanently with us through the things he accomplished.''

Funeral arrangements are pending at Warren-McElwain Mortuary.

Billings was raised in Russell, where he grew up in a house across the street from the home of Bob Dole, the future senator.

At Russell High School, Billings was a student leader and athlete. He was president of the high school student council and a delegate to Kansas Boys State. He also played basketball, football and ran track all four years in high school. As a senior in 1955, he was co-captain of the football team and was named the Kansas High School Basketball Player of the Year.

Billings came to Lawrence that fall to attend Kansas University. He stayed to become one of the city's most active community leaders.

At the university, he was a guard and played with Wilt Chamberlain on the basketball team that battled for the national championship. He was student body president, president of his fraternity and a member of Phi Beta Kappa.

His leadership at KU and in the community brought him many honors, including KU's Distinguished Service Citation in 1988 and the KU Alumni Association's Ellsworth Medallion in 1984. His honors in the community included the 1989 Leadership Lawrence Don Volker Award for community leadership, the Lawrence Chamber of Commerce Citizen of the Year award in 2002 and Kansan of the Year award from the Native Sons and Daughters of Kansas in 1989.

In addition to Alvamar, Billings was the developer of Oread West Corporate and Research Park and served on a number of corporate boards, including American Investors Life Insurance, Kansas Public Service, Reuter Organ Co. and University State Bank.

Billings' title at Alvamar Inc. was president and chairman of the board, but in a July 1999 interview he described himself as ''just general flunkie.''

''We have a lot of development partnerships,'' he said. ''It's a total of about 3,000 acres—2,000 already developed, with another 800 to 1,000 acres to go. There's a lot going on out here.''

Despite the massive project, Billings always downplayed his role in Lawrence's westward expansion.

''Lawrence is just good. We're just fortunate to be a very small part of what's going on,'' he said.

The name of his development honored his parents, Alva and Margaretta.

POSITIVE ATTITUDE

Billings was remembered Thursday by friends for his positive attitude and many contributions to Lawrence and the university.

''If Bob, as bad as he might feel, could look out the window today, he'd remark about what a great day it was and put some kind of positive spin on it,'' said Jerry Waugh, who coached Billings on the KU basketball team and later worked for his corporation. ''I never saw him down in the many years I knew him and he remained that way to the end, always up, always inspiring others and never seeing any dark side.''

Monte Johnson, a former KU athletic director who had known Billings since both men were freshmen at KU, called his former teammate a ''generous, caring considerate, unselfish, positive, forward-thinking human being.''

''My sense of loss is tremendous, but far greater is the loss to his family, KU, Lawrence, the state and humanity in general,'' Johnson said. ''There is no way to replace him, yet it is so important to remember his legacy and, for the rest of us and those who follow, to try to measure up to the incredible standards of outstanding citizenship and friendship he set.''

Friendship was the focus of many memories expressed Thursday. Billings' friends Nelson and Judy Krueger remembered a telephone call from Billings and his wife, Beverly, after the Kruegers' grandson was killed in a traffic accident. ''It was the most meaningful call,'' Nelson Krueger said. ''They left a voice mail, and they couldn't talk; they could only cry. Bob planted a tree at Alvamar in honor of Jack within a week after Jack died.''

Krueger also shared a number of photos reproduced in today's Journal-World, including one of a children's fishing contest Billings sponsored every Memorial Day at a lake on the Alvamar Golf Course. Billings didn't want any child to go away without a prize, so he gave prizes for the biggest fish, the ugliest fish, the wettest fish, anything he could think of, Krueger said. ''He wanted everyone to be a winner.

Another friend, attorney Jerry Cooley, also remembered his unselfish attitude. ''He has been a great benefactor to the city of Lawrence and Douglas County,'' Cooley said. ''His developments have been prize winners for the community, and he did that without great personal gain. He plowed back into the community what others may have taken as profit.''

Don Johnston, a banker and former executive of Maupintour Inc., said Billings created more than brick and mortar.

''He was a builder not just of structures but of character and goodness,'' Johnston said. ''I'm not sure he ever had a negative thought in his life. He could dream, inspire, make things happen and make people feel good while they were striving for something positive.''

Waugh, Billings' former coach, recalled, ''Bob was a student of history and always remembered what Abraham Lincoln's mother told him: 'Be somebody.' Bob's mother, Margaretta, was as supportive as a mother could be and, in effect, had relayed that concept to her son. He didn't fail her. Bob, absolutely, was somebody.''

[From the Lawrence Journal-World, Feb. 22, 2003]

FRIENDS CELEBRATE MEMORIES OF BILLINGS

(By Leita Walker)

Bob Billings couldn't say no.

''A friend of mine once said that if Bob had been female, he would have been pregnant all the time,'' said Monte Johnson, who spoke Friday at a memorial service for Billings, who died Feb. 13.

Billings couldn't turn down charities.

He always wanted to help out with even the craziest of business ventures.

And students in need were his weak spot.

''He exemplified all that's good in a person and practiced it every day,'' Johnson told the more than 1,000 people who attended the service at the Lied Center.

The occasion was a solemn one, but, as shown by Johnson's remarks, it was not without humor. Giant red and purple flower arrangements complete with sunflowers and wheat stalks festooned the stage, and Jayhawk-adorned basketballs helped decorate tables in the lobby.

Guests included Kansas University administrators, coaches and athletes; city officials; and scores of friends and business associates.

Catered refreshments greeted everyone as they left the auditorium, and soon the Lied Center lobby was filled with conversation—and laughter.

Billings wanted the service to be a celebration, his friends and family said.

By the time he died of cancer at age 65, Billings had accomplished more than most people dream.

The Russell native played on the 1957 KU basketball team that made it to the NCAA championship game, and he served as student body president.

He developed thousands of acres in west Lawrence, and he was president of Alvamar Inc., which includes 3,000 acres of residential and commercial property, a nationally recognized public golf course and the Alvamar Country Club complex.

''He was Mr. Everything,'' Johnson said.

But Friday, his humanity was the focus, and his accomplishments came second.

When Billings met someone, he always had a handshake ready, said his nephew Jim Billings.

''Great to see you,'' he would say. ''How are you doing? Super.''

He knew everyone's name, Jim Billings said, and yet the man who did so much for Lawrence was also human.

''His humanness should give us hope that any one of us could become more like Bob,'' he said.

He was a developer not just of property but of people and of communities, said the Rev. Butch Henderson.

And longtime friend John McGrew said, ''Some people are generous with their time, some with their money. Bob was generous with both.''

IN RECOGNITION OF MRS. JOSEPHINE HAMMARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a friend of the Sixth District of New Jersey. Mrs. Josephine Hammary, is an outstanding individual, who is being honored for her many accomplishments by the National Council of Negro Women.

Mrs. Hammary is being recognized for the many years of service she has devoted to her community. Throughout her life, Mrs. Hammary has volunteered much of her time to working with various religious and social organizations designed to enrich the lives of her fellow citizens.

Mrs. Hammary is an active and devoted member of the Martin Luther King Presbyterian Church where she has served on the Board of Elders, the Board of Deacons, the Stewardship Committee, and the Sunday School Ministry. Mrs. Hammary was also elected to preside over the Presbyterian Women's Organization as its President, where she proved herself as an effective leader. Currently, Josephine Hammary serves on the Christian Outreach Missions and the Christian Education Committee, as well as Recording Secretary of the National Council of Negro Women's North Shore.

Through her work with these numerous organizations, Mrs. Hammary has fostered a sense of community in her area and strived to help those less fortunate than herself. On this day I would like to honor the distinguished Mrs. Josephine Hammary for her extraordinary service to her community. I ask my colleagues to join with me in commending her in this dedication.

HONORING DETECTIVE MICHAEL CALVIN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. ISRAEL. Mr. Speaker, I rise to pay tribute to an exemplary member of the Long Island community.

The Suffolk County Police Department consistently shows us the best and most heroic that Long Island has to offer. For the past thirty-five years Detective Michael Calvin served as an admirable member of that department, first as an exceptional undercover officer with the Rackets Bureau, and then as a detective with the Homicide Squad. Over the years, Detective Calvin worked as the lead detective on numerous murder investigations, including the murder of Claudia Broder of Moriches, by her son-in-law, Ralph Farino. He has made a lasting impact on the safety of Long Island residents.

On January 6, 2003, Detective Michael Calvin retired from the Suffolk County Police Department. He will be sorely missed by his colleagues and by the community that has depended on his hard work to keep them safe for so many years. I come to this floor to out of respect and offer my congratulations and best wishes.

Mr. Speaker, Suffolk County owes a debt of gratitude to Detective Michael Calvin.

THE NECESSITY OF ENDING DOMESTIC VIOLENCE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. FARR. Mr. Speaker, I rise today to call attention to an ongoing battle that is waged day-to-and minute-to-minute in our country. Largely perpetrated in silence, domestic violence is an overwhelming problem that affects every community and that transcends race, language, nationality, culture, sexual orientation, religion, economics, and gender. Too often, domestic violence is viewed as a women's issue, when in reality this is an issue that affects every aspect of our society: women, men, children, and communities as a whole. Domestic violence is an unacceptable reality and I believe that individuals must commit themselves to fighting this battle, which so often strikes at the very heart of our families.

In order to effectively decrease the incidence of domestic violence, full funding for the Violence Against Women Act (VAWA) of 2000 is essential. VAWA funds programs that assist battered women and their children. President Bush's FY04 budget cuts $19 million from VAWA programs. This cut will have a profoundly negative effect on the victims of domestic violence who need the support of these programs to stop the cycle of violence in their lives. I support Congressional action to restore the cuts made to the VAWA programs in President Bush's budget, in order to continue to provide essential services to those who need our help the most.

Last year Congress passed, and the President signed, the DOJ Reauthorization Act (PL 107–273), which included the Violence Against Women Office Act. This statute established an Office on the Violence Against Women as a separate and distinct office that would ensure that the implementation of the Violence Against Women Act is a high priority for the Department of Justice. Attorney General Ashcroft has failed to create this office. His inaction amounts to a systematic disregard for the full implementation of this law. I would encourage all of my colleagues to join me in urging Attorney General Ashcroft to establish a separate Office on Violence Against Women to fulfill both the spirit and the letter of the law.

TRIBUTE TO RAMON G. NUNEZ

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 5, 2003

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Ramon G. Nunez, publisher of the Tampa Record and a passionate political activist who lived every moment of his life with tremendous tenacity and enthusiasm.

Ramon was known across Tampa Bay for his remarkable work ethic and positive attitude, but it was his love for people that paved his way in the political community. Ramon received his first break by working for gubernatorial candidate Fuller Warren. He made such an impression that when Warren became Governor, he gave Ramon his first governmental job. Ramon spent the next 60 years in the center of Tampa politics, earning the respect of many political figures.

However, Ramon made his greatest mark on the Tampa Bay community through his many newspaper publications. Ramon was associated with or owned several weekly publications such as: Ybor City Sunday News, Tampa Interbay News, Tampa Interbay Record, La Tradduccion Prensa and the Tampa Record.

Despite all of his commitments in the community, Ramon, the father of five daughters, always found time for family. I would like to express my heartfelt sympathies to Ramon's family. Ramon Nunez will be remembered in Tampa Bay as a hard working, fiercely loyal and very warm blooded pillar of our community. The Tampa Bay area will miss him greatly.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 6, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 7

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment situation, focusing on U.S. labor markets, unemployment benefits, and the President's proposal for re-employment accounts.
SD–628

MARCH 10

2 p.m.
Aging
To hold hearings to examine America's health care system.
SD–628

MARCH 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine Medicare outlier payments to hospitals.
SD–192

10 a.m.
Energy and Natural Resources
To hold hearings to examine oil, gas, Hydrogen, and conservation, focusing on federal programs for energy efficiency and conservation.
SD–366

Finance
To hold hearings to examine defined benefit pension plans.
SD–215

Aging
To hold hearings to examine aging, focusing on fitness and nutrition.
SD–628

2:30 p.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine active and reserve military and civilian personnel programs in review of the Defense Authorization Request for Fiscal Year 2004.
SR–232A

MARCH 12

10 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings to examine proposed budget estimates for fiscal year 2004 for defense programs, focusing on worldwide threats to the United States.
S–407 Capitol

Judiciary
Immigration Subcommittee
Technology, Terrorism, and Government Information Subcommittee
To hold joint hearings to examine border technology, focusing on keeping terrorists out of the United States.
SD–226

Indian Affairs
To hold hearings to examine Indian health legislation.
SR–485

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation of the Veterans of Foreign Wars.
345 Cannon Building

2 p.m.
Judiciary
To hold hearings to examine pending nominations.
SD–226

2:30 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Energy Office of Energy and Efficiency and Renewable Energy, Office of Science, and the Office of Nuclear Energy Science and Technology.
SD–124

Foreign Relations
To hold hearings to examine regional implications of the changing nuclear equation on the Korean Peninsula.
SH–216

3 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine Army transformation in review of the Defense Authorization Request for fiscal year 2004 and the Future Years Defense Program.
SR–232A

MARCH 13

9:30 a.m.
Armed Services
To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for Fiscal Year 2004 and the Future Years Defense Program.
SH–216

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the Administration's proposed Fiscal Year 2004 Budget for the Federal Transit Administration.
SD–538

Energy and Natural Resources
To hold hearings to examine the impact of fires in 2002 and then look forward to the potential 2003 fire season.
SD–366

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Retired Enlisted Association, Gold Star Wives of America, the Fleet Reseve Association, and the Air Force Seargents Association.
345 Cannon Building

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold oversight hearings to examine the designation and management of National Heritage Areas, including criteria and procedures for designating heritage areas, the potential impact of heritage areas on private lands and communities, federal and non-federal costs of managing heritage areas, and methods of monitoring and measuring the success of heritage areas.
SD–366

MARCH 18

10 a.m.
Energy and Natural Resources
To hold oversight hearings to examine water supply issues in the Western United States.
SD–366

Health, Education, Labor, and Pensions
To hold hearings to examine the Mammography Quality Standards Act.
SD–430

MARCH 19

9:30 a.m.
Judiciary
To hold hearings to examine ethical regenerative medicine research and human reproductive cloning.
SD–226

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on Indian energy legislation.
SR–485

MARCH 20

9:30 a.m.
Armed Services
To hold hearings to examine atomic energy defense activities of the Department of Energy, in review of the Defense Authorization Request for Fiscal Year 2004.
SH–216

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the Washington Teacher's Union.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of AMVETS, American Ex-Prisoners of War, the Vietnam Veterans of America, the Military Officers Association of America, and the National Association of State Directors of Veterans' Affairs.
345 Cannon Building

MARCH 26

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

10 a.m.
Indian Affairs
To hold oversight hearings to examine the Indian Gaming Regulatory Act, focusing on the role and funding of the National Indian Gaming Commission.
SR–485

MARCH 27

9:30 a.m.

Armed Services

To hold hearings to examine the future of the North Atlantic Treaty Organization; to be followed by closed hearings (in Room SH–219).

SH–216

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine terrorism, focusing on public health response.

SD–430

APRIL 2

10 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on Indian Health Care Reauthorization Act legislation.

SR–485

Daily Digest

HIGHLIGHTS

House Committees ordered reported nine sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S3109–S3205

Measures Introduced: Thirty-one bills and nine resolutions were introduced, as follows: S. 514–544, S. Res. 74–77, and S. Con. Res. 13–17.

Pages S3162–63

Measures Reported:

S. 195, to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, with an amendment in the nature of a substitute. (S. Rept. No. 108–13)

S. 273, to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park. (S. Rept. No. 108–14)

S. 302, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area. (S. Rept. No. 108–15)

S. 426, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission. (S. Rept. No. 108–16) **Page S3162**

Measures Passed:

Honoring Fred Rogers: Senate agreed to S. Con. Res. 16, honoring the life and work of Mr. Fred McFeely Rogers. **Pages S3204–05**

Measures Indefinitely Postponed:

Honoring Fred Rogers: Senate indefinitely postponed S. Con. Res. 12, honoring the life and work of Mr. Fred McFeely Rogers. **Page S3205**

Appointments:

NATO Parliamentary Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed Senator Smith as Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 108th Congress. **Page S3205**

Mexico-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appointed Senator Sessions as Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 108th Congress. **Page S3205**

British-American Interparliamentary Group: The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to 22 U.S.C. 2761, as amended, appointed Senator Cochran as Chairman of the Senate Delegation to the British-American Interparliamentary Group conference during the 108th Congress. **Page S3205**

Nomination Considered: Senate continued consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit. **Pages S3118–28**

A unanimous-consent agreement was reached providing for further consideration of the nomination at 10 a.m., on Thursday, March 6, 2003, with a vote on the motion to invoke cloture on the nomination to occur at 10:30 a.m. **Page S3205**

Treaty Considered: Senate began consideration of the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002

(Treaty Doc. 107–8), taking action on the following amendment proposed thereto: **Pages S3128–46**

Withdrawn:

Durbin Ex. Amendment No. 250, to provide an additional condition. **Pages S3145–46**

Senate will resume consideration of the Treaty if the motion to invoke cloture on the nomination of Miguel Estrada (listed-above) fails. **Page S3205**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the Periodic Report on Telecommunications Payments Made to Cuba pursuant to Treasury Department Specific Licenses; to the Committee on Foreign Relations. (PM–20) **Page S3160**

Nominations Received: Senate received the following nominations:

Roland W. Bullen, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Co-operative Republic of Guyana.

Wayne E. Neill, of Nevada, to be Ambassador to the Republic of Benin.

Stephen D. Mull, of Virginia, to be Ambassador to the Republic of Lithuania.

Diane M. Stuart, of Utah, to be Director of the Violence Against Women Office, Department of Justice. (New Position)

Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit.

Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit.

Stephen C. Robinson, of New York, to be United States District Judge for the Southern District of New York.

P. Kevin Castel, of New York, to be United States District Judge for the Southern District of New York.

Samuel Der-Yeghiayan, of Illinois, to be United States District Judge for the Northern District of Illinois. **Page S3205**

Measures Held at Desk: **Page S3160**

Executive Communications: **Pages S3160–62**

Executive Reports of Committees: **Page S3162**

Additional Cosponsors: **Pages S3163–65**

Statements on Introduced Bills/Resolutions: **Pages S3165–S3202**

Additional Statements: **Pages S3159–60**

Amendments Submitted: **Pages S3202–03**

Notices of Hearings/Meetings: **Page S3203**

Authority for Committees to Meet: **Page S3203**

Privilege of the Floor: **Pages S3203–04**

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:14 p.m., until 9:30 a.m., on Thursday, March 6, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3205.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: ARMY CIVIL WORKS PROGRAM/BUREAU OF RECLAMATION

Committee on Appropriations: Subcommittee on Energy and Water Development concluded hearings to examine the proposed budget estimates for fiscal year 2004 for the Army Corps of Engineers and Bureau of Reclamation energy and water development programs, after receiving testimony from Les Brownlee, Under Secretary of the Army and Acting Assistant Secretary of the Army for Civil Works; Lieutenant General Robert B. Flowers, Chief of Engineers, and Major General Robert H. Griffin, Director of Civil Works, both of the United States Army Corps of Engineers; and Bennett W. Raley, Assistant Secretary for Water and Science, and John W. Keys, III, Commissioner, United States Bureau of Reclamation, both of the Department of the Interior.

SUBCOMMITTEE ASSIGNMENTS

Committee on Appropriations: On Tuesday, March 4, Committee announced the following subcommittee assignments:

Subcommittee on Agriculture, Rural Development, and Related Agencies: Senators Bennett (Chairman), Cochran, Specter, Bond, McConnell, Burns, Craig, Brownback, Kohl, Harkin, Dorgan, Feinstein, Durbin, Johnson, and Landrieu.

Subcommittee on Commerce, Justice, State, and the Judiciary: Senators Gregg (Chairman), Stevens, Domenici, McConnell, Hutchison, Campbell, Brownback, Hollings, Inouye, Mikulski, Leahy, Kohl, and Murray.

Subcommittee on Defense: Senators Stevens (Chairman), Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison, Burns, Inouye, Hollings, Byrd, Leahy, Harkin, Dorgan, Durbin, Reid, and Feinstein.

Subcommittee on District of Columbia: Senators DeWine (Chairman), Hutchison, Brownback, Landrieu, and Durbin.

Subcommittee on Energy and Water Development: Senators Domenici (Chairman), Cochran, McConnell, Bennett, Burns, Craig, Bond, Reid, Byrd, Hollings, Murray, Dorgan, and Feinstein.

Subcommittee on Foreign Operations: McConnell (Chairman), Specter, Gregg, Shelby, Bennett, Campbell, Bond, DeWine, Leahy, Inouye, Harkin, Mikulski, Durbin, Johnson, and Landrieu.

Subcommittee on Homeland Security: Senators Cochran (Chairman), Stevens, Specter, Domenici, McConnell, Shelby, Gregg, Campbell, Craig, Byrd, Inouye, Hollings, Leahy, Harkin, Mikulski, Kohl, and Murray.

Subcommittee on Interior: Senators Burns (Chairman), Stevens, Cochran, Domenici, Bennett, Gregg, Campbell, Brownback, Dorgan, Byrd, Leahy, Hollings, Reid, Feinstein, and Mikulski.

Subcommittee on Labor, Health and Human Services, and Education: Senators Specter (Chairman) Cochran, Gregg, Hutchison, Craig, Stevens, DeWine, Shelby, Harkin, Hollings, Inouye, Reid, Kohl, Murray, and Landrieu.

Subcommittee on Legislative Branch: Senators Campbell (Chairman), Bennett, Stevens, Durbin, and Johnson.

Subcommittee on Military Construction: Senators Hutchison (Chairman), Burns, Craig, DeWine, Brownback, Feinstein, Inouye, Johnson, and Landrieu.

Subcommittee on Transportation, Treasury and General Government: Senators Shelby (Chairman), Specter, Bond, Bennett, Campbell, Hutchison, DeWine, Brownback, Murray, Byrd, Mikulski, Reid, Kohl, Durbin, and Dorgan.

Subcommittee on VA–HUD-Independent Agencies: Senators Bond (Chairman), Burns, Shelby, Craig, Domenici, DeWine, Hutchison, Mikulski, Leahy, Harkin, Byrd, Johnson, and Reid.

Senators Stevens and Byrd are Ex Officio Members of all the Subcommittees.

E–911 IMPLEMENTATION

Committee on Commerce, Science, and Transportation: Subcommittee on Communications concluded hearings to examine the implementation of enhanced 911 (E–911) services for wireless telephones and technology, public safety communications, after receiving testimony from Senator Clinton; Representatives Shimkus and Eshoo; Kathleen Q. Abernathy, and Jonathan S. Adelstein, each a Commissioner, Federal Communications Commission; New York State Assemblyman David Koon, Albany; Jenny Hansen, State of Montana Public Safety Services Office, Helena; John Melcher, Greater Harris County 911 Emergency Network, Houston, Texas, on behalf of the National Emergency Number Association; Thera Bradshaw, City of Los Angeles Information Technology Agency, California, on behalf of the Association of Public-Safety Communications Officials International; Michael Amarosa, TruePosition, Inc., New York, New York; S. Mark Tuller, Verizon Wireless, Bedminster, New Jersey.

TRADE AGENDA

Committee on Finance: Committee held hearings to examine the Administration's Trade Agenda, focusing on a strategy to promote global economic growth through an open and free world trading system, including issues relating to Trade Promotion Authority (TPA), the World Trade Organization (WTO), and free trade agreements, receiving testimony from Robert B. Zoellick, United States Trade Representative.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the nominations of Daniel Pearson, of Minnesota, and Charlotte A. Lane, of West Virginia, both to be Members of the United States International Trade Commission.

TURKISH AID

Committee on Foreign Relations: Committee met in closed session to receive a briefing on Turkish aid negotiations and developments in northern Iraq from Beth Jones, Assistant Secretary for European Affairs, Earl Anthony Wayne, Assistant Secretary for Economic and Business Affairs, and Ryan C. Crocker, Deputy Assistant Secretary for Near Eastern Affairs, all of the Department of State.

Committee recessed subject to call.

TREATIES

Committee on Foreign Relations: Committee concluded hearings to examine the Convention Between the Government of the United States Of America and the Government of the United Kingdom of Great Britain and Northern Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital Gains (Treaty Doc. 107–19), the Protocol Amending the Convention Between the Government of the United States Of America and the Government of Australia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (Treaty Doc. 107–20), and the Second Additional Protocol that Modifies the Convention Between the Government of the United States of America and the Government of the United Mexican States for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (Treaty Doc. 108–3), after receiving testimony from David Noren, Legislation Counsel, Joint Committee on Taxation; Barbara M. Angus, International Tax Counsel, Department of

the Treasury; and William A. Reinsch, National Foreign Trade Council, Washington, D.C.

BUSINESS MEETING

Committee on Governmental Affairs: Committee ordered favorably reported the following business items:

S. 380, to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, with an amendment in the nature of a substitute; and

The nominations of Janet Hale, of Virginia, to be Under Secretary of Homeland Security for Management, and Linda M. Springer, of Pennsylvania, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the nomination of Ross Owen Swimmer, of Oklahoma, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.

2004 BUDGET: INDIAN PROGRAMS

Committee on Indian Affairs: Committee concluded hearings to examine the President's proposed budget request for fiscal year 2004 for Indian programs, after receiving testimony from Charles Louis Kincannon, Director, U.S. Bureau of the Census, Department of Commerce; Aurene Martin, Acting Assistant Secretary of the Interior for Indian Affairs; William Russell, Deputy Assistant Secretary of Housing and Urban Development for Public and Indian Housing; Victoria Vasques, Director of the Office of Indian Education, Department of Education; and Charles W. Grim, Interim Director, Indian Health Service, Department of Health and Human Services.

ASBESTOS LITIGATION

Committee on the Judiciary: Committee concluded hearings to examine the asbestos litigation crisis, and its economic issues including the costs of settlements and judgments, possible reforms, and the need to compensate victims of asbestos-related disease, after receiving testimony from Senators Baucus and Voinovich; David Austern, Manville Personal Injury Settlement Trust, Fairfax, Virginia, Dennis Archer, American Bar Association, and Jonathan Hiatt, American Federation of Labor and Congress of Industrial Organizations (AFL–CIO), both of Washington, D.C.; Steven Kazan, Kazan, McClain, Edises, Abrams, Fernandez, Lyons, and Farrise, Oakland, California; Melvin McCandless, Williamston, North Carolina; and Brian Harvey, Vashon, Washington.

House of Representatives

Chamber Action

Measures Introduced: 30 public bills, H.R. 1079–1108; and 7 resolutions, H. Con. Res. 78; and H. Res. 123–125, 127–129 were introduced.

Pages H1639–41

Additional Cosponsors: **Pages H1641–42**

Reports Filed: Reports were filed today as follows:

H.R. 239, to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields (H. Rept. 108–22);

H.R. 878, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, amended (H. Rept. 108–23);

H.R. 361, to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission referred sequentially to the House Committee on the Judiciary for a period ending not later than June 1, 2003 for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X. (H. Rept. 108–24, Pt. 1); and

H. Res. 126, providing for consideration of H.R. 878, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services (H. Rept. 108–25).

Journal: The House agreed to the Speaker's approval of the Journal of Tuesday, March 4 by yea and nay vote of 373 yeas to 39 nays, Roll No. 43. **Page H1523**

Committee Election: The House agreed to H. Res. 123, electing Representative Ruppersberger to the Committee on Armed Services to rank immediately after Representative Alexander. **Page H1523**

Committee Resignation: Without objection, the Chair accepted the resignation of Representative Ruppersberger from the Committee on Armed Services. **Page H1524**

Committee Election: The House agreed to H. Res. 124, electing Representative Ryan of Ohio (to rank immediately after Representative Alexander) to the Committee on Armed Services; Representative Bishop of New York (to rank immediately after Representative Ryan of Ohio) to the Committee on Education; Representative Sanders (to rank immediately after Representative Waters) to the Committee on Financial Services; Representatives Sanders (to rank immediately after Representative Kanjorski) and Cooper (to rank immediately after Delegate Norton) to the Committee on Government Reform; Representatives George Miller of California, Markey, Hinojosa, Rodriguez, Baca, and McCollum to the Committee on Resources; Representatives Cardoza (to rank immediately after Representative Matheson), Jackson-Lee of Texas (to rank immediately after Representative Davis of Tennessee), and Lofgren (to rank immediately after Representative Jackson-Lee of Texas) to the Committee on Science; and Representatives Faleomavaega (to rank immediately after Representative Ballance) and Linda T. Sanchez of California to the Committee on Small Business.

Page H1524

Suspension Failed—Social Security Protection Act: The House failed to agree to the motion to suspend the rules and pass H.R. 743, amended, to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections (failed to agree by 2/3 yea and nay vote of 249 yeas to 180 nays, Roll No. 44).

Pages H1524–50, H1601–02

Suspension Passed—Miscellaneous Trade and Technical Corrections Act: The House agreed to suspend the rules and pass H.R. 1047, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws (agreed to by 2/3 yea and nay vote of 415 yeas to 11 nays, Roll No. 45). **Pages H1550–91, H1602**

Commending Members of the Armed Forces and Their Families: The House passed H.J. Res. 27, recognizing and commending the continuing dedication, selfless service, and commitment of members of the Armed Forces and their families during the Global War on Terrorism and in defense of the United States by yea and nay vote of 426 yeas with none voting ''nay,'' Roll No. 46.

Pages H1591–H1601, H1602–03

The joint resolution was considered pursuant to the unanimous consent order of Tuesday, March 4. **Page H1601**

Presidential Message—Payments to Cuba: Message wherein he transmitted a semiannual report detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses—referred to the Committee on International Relations. **Page H1603**

Committee on Homeland Security: The Chair announced the correction of the Speaker's appointment of the following member of the House to the Select Committee on Homeland Security: Representative Shays to rank after Representative Weldon of Pennsylvania. **Page H1603**

Recess: The House recessed at 7:15 p.m. and reconvened at 9:55 p.m. **Page H1635**

Senate Message: Messages received from the Senate today appear on pages H1519.

Referrals: S. 117 was referred to the Committee on Agriculture, S. 144, was referred to the Committees on Resources and Agriculture, S. 111, S. 210, S. 214, S.233, and S. 254 were referred to the Committee on Resources.. **Page H1635**

Quorum Calls—Votes: Four yea and nay votes developed during the proceedings of the House today and appear on pages H1523, H1601–02, H1602, H1602–03. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:56 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies held a hearing on Farm and Foreign Agricultural Services. Testimony was heard from the following officials of the USDA: J.B. Penn, Under Secretary, Farm and Foreign Agricultural Services; James R. Little, Administrator, Farm Service Agency; A. Ellen Terpstra, Administrator, Foreign Agricultural Service; and Ross J. Davidson, Jr., Administrator, Risk Management Agency.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on Secretary of Energy. Testimony was heard from Spencer Abraham, Secretary of Energy.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Forest Service. Testimony was heard from Dale N. Bosworth, Chief, Forest Service, USDA.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Air Force Construction. Testimony was heard from the following officials of the Department of the Air Force: Nelson Gibbs, Assistant Secretary, Installations, Environment and Logistics; Major Gen. Earnest Robbins, USAF, Air Force Civil Engineer; Brig. Gen. William M. Rajczak, USAF, Deputy Chief of Staff, Air Force Reserve; and Col. Charles V. Ickes, II, USAF, Assistant to the Director, Operational Readiness, Air National Guard.

The Subcommittee also held a hearing on Quality of Life. Testimony was heard from Sgt. Maj. Jack L. Tilley, USA; Master Chief Petty Officer Terry D. Scott, USN, Master Chief Petty Officer; Sgt. Major Alfred J. McMichael, USMC; and Chief Master Sgt. Gerald Murray, USAF.

BACK TO WORK INCENTIVE ACT; PENSION SECURITY ACT

Committee on Education and the Workforce: Ordered reported, as amended, H.R. 444, Back to Work Incentive Act of 2003.

The Committee began markup of H.R. 1000, Pension Security Act.

Will continue tomorrow.

COMPREHENSIVE NATIONAL ENERGY POLICY

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled ''Comprehensive National Energy Policy.'' Testimony was heard from the following officials of the Department of Energy: Kyle McSlarrow, Deputy Secretary; Patrick Wood, Chairman, William L. Massey and Nora Mead-Brownell, both Commissioners, all with the Federal Energy Regulatory Commission; Richard Meserve, Chairman, NRC; and public witnesses.

LEAKING UNDERGROUND STORAGE TANK CLEANUP PROGRAMS EFFECTIVENESS

Committee on Energy and Commerce: Subcommittee on Environment and Hazardous Materials held a hearing entitled ''The Effectiveness of Leaking Underground Storage Tank Cleanup Programs.'' Testimony was heard from Clifford Rothenstein, Director, Office of Underground Storage Tanks, EPA; John B. Stephenson, Director, Natural Resources and Environment, GAO; and Edward Galbraith, Tanks Section Chief, Land and Air Division, Department of Natural Resources, State of Missouri.

HOUSING RELATED AGENCY BUDGETS

Committee on Financial Services: Held a hearing on housing related agency budgets for fiscal year 2004. Testimony was heard from Mel Martinez, Secretary of Housing and Urban Development; Art Garcia, Director, Rural Housing Service, USDA; Anthony Lowe, Director, National Flood Insurance Program, FEMA, Department of Homeland Security; and a public witness.

BUSINESS CHECKING FREEDOM ACT

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on H.R. 758 and H.R. 859, Business Checking Freedom Act of 2003. Testimony was heard from Donald L. Kohn, member, Board of Governors, Federal Reserve System; Wayne A. Abernathy, Assistant Secretary, Financial Institutions, Department of the Treasury; and public witnesses.

NATIONAL DRUG CONTROL REAUTHORIZATION AND STRATEGY

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing on ''ONDCP Reauthorization and the National Drug Control Strategy for 2003.'' Testimony was heard from John Walters, Director, Office of National Drug Control Policy.

SMITHSONIAN INSTITUTION

Committee on House Administration: Held an oversight hearing on the Smithsonian Institution. Testimony was heard from Lawrence M. Small, Secretary, Smithsonian Institution.

MISCELLANEOUS MEASURES

Committee on International Relations: Favorably considered and adopted a motion urging the Chairman to request that the following measures be considered on the Suspension Calendar: H.R. 192, to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistant programs under those

Acts; H.R. 441, to amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2003 in Geneva, Switzerland; H.R. 868, to amend section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, to require that certain claims for expropriation by the Government of Nicaragua meet certain requirements for purposes of the prohibition on foreign assistance to that government; H. Res. 109, urging passage of a resolution addressing human rights abuses in North Korea at the 59th session of the United Nations Commission on Human Rights, and calling on the Government of North Korea to respect and protect the human rights of its citizens; H. Con. Res. 57, supporting the goals of International Women's Day; H. Con. Res. 26, condemning the punishment of execution by stoning as a gross violation of human rights; and H. Con. Res. 77, commemorating the 60th anniversary of the historic rescue of 50,000 Bulgarian Jews from the Holocaust and commending the Bulgarian people for preserving and continuing their tradition of ethnic and religious tolerance.

HELP EFFICIENT, ACCESSIBLE, LOW-COST TIMELY HEALTHCARE (HEALTH) ACT

Committee on the Judiciary: Ordered reported, as amended, H.R. 5, Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act of 2003.

OVERSIGHT—BUREAU OF RECLAMATION'S PROPOSED BUDGET

Committee on Resources: Subcommittee on Water and Power held an oversight hearing on the Bureau of Reclamation's Proposed Fiscal Year 2004 Budget. Testimony was heard from John H. Keys, III, Commissioner, Bureau of Reclamation, Department of the Interior.

ARMED FORCES TAX FAIRNESS ACT OF 2003

Committee on Rules: Granted, by a vote of 6 to 4, a closed rule providing one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the amendment recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the Rules Committee report, shall be considered as adopted. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Jefferson, Skelton, Frost, McGovern, and Bordallo.

BUDGET VIEWS AND ESTIMATES

Committee on Rules: Approved budget views and estimates for fiscal year 2004 for submission to the Committee on the Budget.

PATH TO A HYDROGEN ECONOMY; COMMITTEE ORGANIZATION

Committee on Science: Held a hearing on The Path to a Hydrogen Economy. Testimony was heard from David Garman, Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy; and public witnesses.

Prior to this action, the Committee met for organizational purposes.

HEALTH CARE—SMALL BUSINESS ACCESS AND ALTERNATIVES

Committee on Small Business: Held a hearing entitled "Small Business Access and Alternatives to Health Care." Testimony was heard from Senator Talent; Representative Fletcher; Elaine Chao, Secretary of Labor; Hector Barreto, Jr., Administrator, SBA; John Hartnedy, Chief Deputy Commissioner, Department of Insurance, State of Arkansas; and public witnesses.

OVERSIGHT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on Independent Peer Review of Products that Support Agency Decision-Making. Testimony was heard from Paul Gilman, Assistant Administrator, Research and Development, EPA; Lynn Scarlett, Assistant Secretary, Policy, Management and Budget, Department of the Interior; the following officials of the U.S. Army Corps of Engineers: R. L. Brownlee, Acting Assistant Secretary (Civil Works); and Lt. Gen. Robert B. Flowers, USA, Chief of Engineers; and public witnesses.

ADMINISTRATION'S ECONOMIC GROWTH PROPOSALS

Committee on Ways and Means: Continued hearings on the Administration's Economic Growth Proposals. Testimony was heard from Alan Havesi, Comptroller, State of New York; and public witnesses.

Hearings continue tomorrow.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 6, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Defense, to hold closed hearings on proposed budget estimates for fiscal year 2004 for operations intelligence, 9:15 a.m., S–407, Capitol.

Subcommittee on VA, HUD, and Independent Agencies, to hold closed hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Housing and Urban Development, 10 a.m., SD–138.

Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of State, 10 a.m., SD–192.

Committee on Armed Services: to hold hearings to examine the Defense Authorization Request for Fiscal Year 2004 and the Future Years Defense Program, 9:30 a.m., SD–106.

Subcommittee on Readiness and Management Support, to hold hearings to examine Military Construction and Environmental Programs in review of the Defense Authorization Request for Fiscal Year 2004, 2 p.m., SR–232A.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the Federal Communications Commission's Spectrum Policy Task Force Report and major spectrum issues facing policymakers, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine oil, gas, hydrogen, and conservation, focusing on energy use in the transportation sector, 10 a.m., SH–216.

Subcommittee on Water and Power, to hold hearings to examine S. 212, to authorize the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, and S. 220 and H.R. 397, to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois, 2:30 p.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine an agreed framework for dialogue with North Korea, 9:30 a.m., SD–419.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the status of the National Aeronautics and Space Administration's workforce and consider proposed personnel flexibilities to assist the agency in achieving its mission, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment, Safety, and Training, to hold hearings to examine the Administration's approach to reauthorize the Workforce Investment Act, 10 a.m., SD–430.

Committee on the Judiciary: business meeting to consider the nominations of Timothy M. Tymkovich, of Colorado, to be United States Circuit Judge for the Tenth Circuit, J. Daniel Breen, to be United States District Judge for the Western District of Tennessee, Thomas A. Varlan, to be United States District Judge for the Eastern District of Tennessee, William H. Steele, to be United States District Judge for the Southern District of Alabama, S. James Otero, to be United States District Judge for the Central District of California, S. 253, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns, S. 113, to exclude United States persons from the definition of ''foreign power'' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism, and Committee rules and Subcommittee assignements for the 108th Congress, 9:30 a.m., SD–226.

Committee on Veterans' Affairs: to hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Military Order of the Purple Heart, the Paralyzed Veterans of America, Jewish War Veterans, the Blinded Vererans Association, and the Non-Commissioned Officers Association, 10 a.m., 345 Cannon Building.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on FDA, 9:30 a.m., 2362A Rayburn.

Subcommittee on Commerce, Justice, State and Judiciary, on Secretary of Commerce, 10 a.m., and on Attorney General, 2 p.m., H–309 Capitol.

Subcommittee on Energy and Water Development, on Bureau of Reclamation, 10 a.m., 2362B Rayburn.

Subcommittee on Interior, on U.S. Fish and Wildlife Service, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services and Education, on Secretary of Education, 10:15 a.m., 2358 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on Corporation for National and Community Service, 10 a.m., and on Federal Citizen Information Center, 11 a.m., H–143 Capitol.

Committee on Armed Services, Subcommittee on Strategic Forces, hearing on the fiscal year 2004 Department of Energy's budget request, 10 a.m., 2118 Rayburn.

Committee on the Budget, hearing on Members Day, 2 p.m., 210 Cannon.

Committee on Education and the Workforce, to continue markup of H.R. 1000, Pension Security Act, 9:30 a.m., 2175 Rayburn.

Subcommittee on Education Reform, hearing on ''Head Start: Improving Results for Children,'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to markup H.R. 5, Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act of 2003, 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing on the following bills: H.R. 658, Accountant, Compliance, and Enforcement Staffing Act of 2003; and H.R. 957, Broker Accountability through Enhanced Transparency Act of 2003, 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled ''From Reorganization to Recruitment: Bringing the Federal Government into the 121st Century,'' 10 a.m., and to

consider H.R. 735, Postal Civil Service Retirement System Funding Reform Act of 2003, 2 p.m., 2154 Rayburn.

Committee on International Relations, hearing on The Millennium Challenge Account, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, hearing on H.J. Res. 22, proposing a balanced budget amendment to the Constitution of the United States, 12 p.m., 2226 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on ''Copyright Piracy Prevention and the Broadcast Flag,'' 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, hearing on the following bills: H.R. 793, to amend the Outer Continental Shelf Lands Act to authorize the Secretary of the Interior to grant easements and rights-of-way on the Outer Continental Shelf for activities otherwise authorized by that Act; and H.R. 794, Coal Leasing Amendments Act of 2003, 10 a.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following bills: H.R. 273, Nutria Eradication and Control Act of 2003; H.R. 274, Blackwater National Wildlife Refuge Expansion Act; H.R. 289, Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act; and H.R. 417, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California,10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Space and Aeronautics, hearing on A Review of Aeronautics R&D at FAA and NASA, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing on Reauthorization of the Federal Aviation Administration and the Aviation Programs: Airports, 9:30 a.m., 2167 Rayburn.

Subcommittee on Railroads, hearing on Rail Infrastructure Policies and Reauthorization of Highways, Transit and Surface Transportation Programs, 1:30 p.m., 2167 Rayburn.

Committee on Ways and Means, to continue hearings on the Administration's Economic Growth Proposals, 10 a.m., on March 6, 1100 Longworth.

Subcommittee on Health, hearing on the Medicare Payment Advisory Commission's (MedPAC) recommendations on Medicare payment policies, 2 p.m., 1100 Longworth.

Joint Meetings

Joint Meetings: Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Military Order of the Purple Heart, the Paralyzed Veterans of America, Jewish War Veterans, the Blinded Vererans Association, and the Non-Commissioned Officers Association, 10 a.m., 345 Cannon Building.

Next Meeting of the SENATE

9:30 a.m., Thursday, March 6

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will continue consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, with a vote on the motion to invoke cloture on the nomination to occur at 10:30 a.m.

Also, Senate may continue consideration of the Moscow Treaty if cloture is not invoked on the nomination of Miguel A. Estrada (listed above).

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, March 6

House Chamber

Program for Thursday: Consideration of H.R. 13, Museum and Library Services Act of 2003 (unanimous consent, one hour of debate);

H.R. 878, Armed Forces Tax Fairness Act of 2003 (closed rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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